



Committee of the Whole
Addendum
Agenda published June 26, 2026
Addendums published July 2 and 3, 2026

Date: July 6, 2026
Time: 9:30 am
Location: Council Chambers, City Hall, second floor

Pages

6. Delegations

6.1 *Jim Thomson regarding staff directions update (CAO-04-26)*

8. Community and Corporate Services

8.3 Motion memo regarding Freeman Station (COW-18-26)

a. *Correspondence from David Vollick regarding Freeman Station (COW-18-26)*

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9. Confidential Items and Closed Meeting

9.4 *Confidential verbal update regarding a human resource matter (CAO-06-26)*

Note: this item will be discussed on Tuesday, July 7 as the last item of business

Pursuant to Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees

13. Statutory Public Meetings

13.1 Official Plan and Zoning By-law Amendments for 2105 Headon Road (DGM-44-26)

a. *Staff presentation regarding Official Plan and Zoning By-law Amendments for 2105 Headon Road (DGM-44-26)*

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b. *Jim Wall, R. J. Burnside and Associates Limited, regarding Official Plan and Zoning By-law Amendments for 2105 Headon Road (DGM-44-26)*

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	c.	<i>Correspondence from Kunal Vaswani regarding Official Plan and Zoning By-law Amendments for 2105 Headon Road (DGM-44-26)</i>	21 - 23
	d.	<i>Correspondence from Dan, Larissa and Colby Byckalo regarding Official Plan and Zoning By-law Amendments for 2105 Headon Road (DGM-44-26)</i>	24 - 24
13.2		Official Plan and Zoning By-law Amendments for 198 and 206 Plains Road East (DGM-45-26)	
	a.	<i>Appendix F regarding Official Plan and Zoning By-law Amendments for 198 and 206 Plains Road East (DGM-45-26)</i>	25 - 66
	b.	<i>Staff presentation regarding Official Plan and Zoning By-law Amendments for 198 and 206 Plains Road East (DGM-45-26)</i>	67 - 73
	c.	<i>Chloe Simpson, Landwise, regarding Official Plan and Zoning By-law Amendments for 198 and 206 Plains Road East (DGM-45-26)</i>	74 - 86
13.3		Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)	
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	b.	<i>Staff presentation regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)</i>	208 - 214
	c.	<i>David Falletta, Bousfields Inc., and Michael Reitta, Giannone Petricone Associates Inc. Architects, regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)</i>	215 - 233
	d.	<i>Correspondence from Andrea Dodd, Aldershot Village BIA, regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)</i>	234 - 236
	e.	<i>Correspondence from Terry Caddo, Burlington Chamber of Commerce, regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)</i>	237 - 238
	f.	<i>Correspondence from Jim Young, Partnering Aldershot, regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)</i>	239 - 240

- g. Correspondence from Canadian National Railway Company regarding Official Plan and Zoning By-law Amendments for 1200 King Road (DGM-28-26)* 241 - 244

Dear Clerk,

Please accept the attached letter as my formal submission for inclusion in the public input package for Agenda Item 8.3 Motion memo regarding Freeman Station (COW-18-26) of Burlington Committee of the Whole Meeting of Council of July 6, 2026.

Thank you for ensuring that this input is properly received and presented to Council.

Sincerely,

David R. Vollick

Subject: Introduction to the Former Friends of Freeman Station

Dear Mayor Meed Ward, and Council Members,

I am writing to introduce myself as a former member of the Friends of Freeman Station (FOFS), and on behalf of many former volunteers who devoted more than a decade to restoring, preserving, interpreting, and operating one of Burlington's most significant heritage landmarks.

Following the winding up of the FOFS and the resulting closure of the station, we understand that the City's immediate priority is resolving the outstanding land ownership issues. We appreciate that these matters are in the hands of the City's realty division and recognize that they, together with other important legal, financial, and operational considerations, require the necessary time and diligence to resolve properly. During this transition, Councillor Lisa Kearns facilitated a request by two former volunteers to repaint the front of the station's boxcar before access to the site was restricted. That thoughtful accommodation allowed an important piece of restoration work to be completed and was sincerely appreciated.

Since 2024, many former FOFS volunteers have continued to meet informally. While we naturally share a strong interest in seeing Freeman Station once again welcoming visitors, we also recognize that its future must first rest upon the successful resolution of these outstanding matters. Until that time, we fully appreciate that there is no role for our group – or any other volunteer organization – in the operation of the station.

The purpose of this letter is simply to introduce ourselves and to let you know that, when the appropriate time comes, the former Friends of Freeman Station stand ready to assist. Collectively, former FOFS volunteers contributed thousands of hours to the station's restoration, interpretation, operation, fundraising, and promotion. Equally valuable is the institutional knowledge developed over those years. We hope that experience may one day assist the City as plans are developed for the station's next chapter.

We look forward to maintaining an open dialogue with both the City and the many supporters of Freeman Station and would welcome the opportunity to meet, when appropriate, to discuss how our experience may contribute to the station's future.

Thank you for your continued commitment to preserving Burlington's heritage.

Respectfully,



David Vollick

A member of the former Friends of Freeman Station

Statutory Public Meeting & Recommendation Report

Application for Official Plan and Zoning By-law Amendment

Applicant: JEC Properties Inc.
Addresses: 2105 Headon Road
Ward: 6
File: 505-08/26 and 520-08/26
Date: July 7, 2026
Report: DGM-44-26

Overview of Development Site



SUBJECT PROPERTY

File Nos. 505-08/26 & 520-08/26



Application History

- Pre-Application Community Meeting – May 13, 2025
- Application Deemed Complete – April 15, 2026
- Notice of Complete Application and Request for Public Comments – April 17, 2026
- Notice of Statutory Public Meeting and Recommendation Report – June 5, 2026
- Statutory Public Meeting – July 7, 2026

Proposal and Modifications

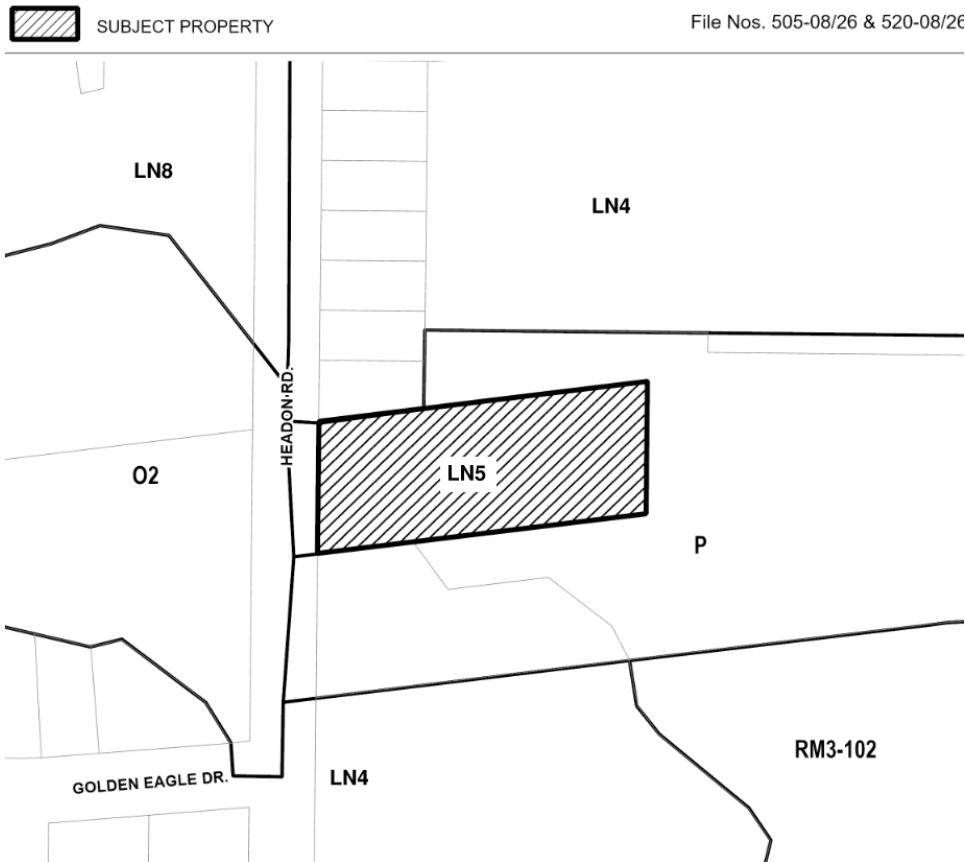


- eight (8) 3-storey townhouse units
 - 4-bedroom units
 - 2 vehicle private parking spaces per unit
 - 2 visitor vehicle parking spaces
 - Private terraces with amenity space of approximately 25 m² / unit

Proposed Official Plan Amendments

- Amend the existing designation 'Low-Rise Neighbourhoods I' with site specific policies including:
 - Increased maximum building height from 2 to 3 storeys
 - Increased maximum number of units from 4 to 8

Proposed Zoning By-law Amendments



Proposed Zoning

- Residential portion:
 - Rezone the existing “LN5” zone to “(H5)-LN8-1” zone with site specific amendments and holding provision
- Natural Heritage portion:
 - Rezone the existing “LN5” zone to “O2” zone

Staff Recommendation

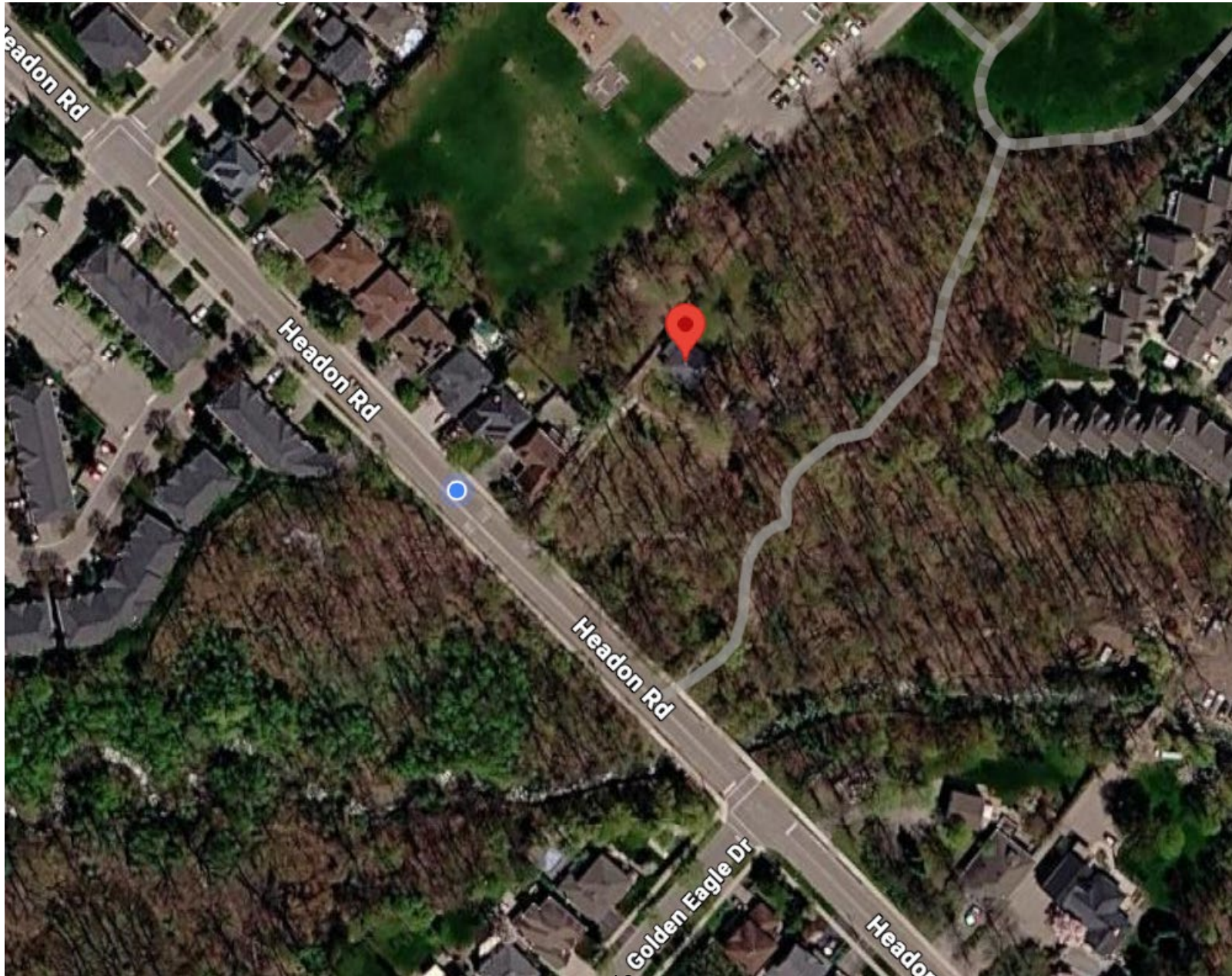
- Approve Official Plan Amendment No.10
- Approve Zoning By-law Amendment to By-law 09-2026
- Approve Zoning By-law Amendment 2020.522
- Detailed recommendation in report DGM-44-26

Opposition to OPA ZBA 2105 Headon Road

- To the Committee of the Whole, Burlington – July 7, 2026
- Presentation by Jim Walls, 2109 Headon Road
- Thank you for the opportunity to provide input to this important application of concern to the local community
- Please refer to the public input comments provided in the Development and Growth Management Community Planning Report Number DGM-44-26
- We do not support the Planning Report conclusions.

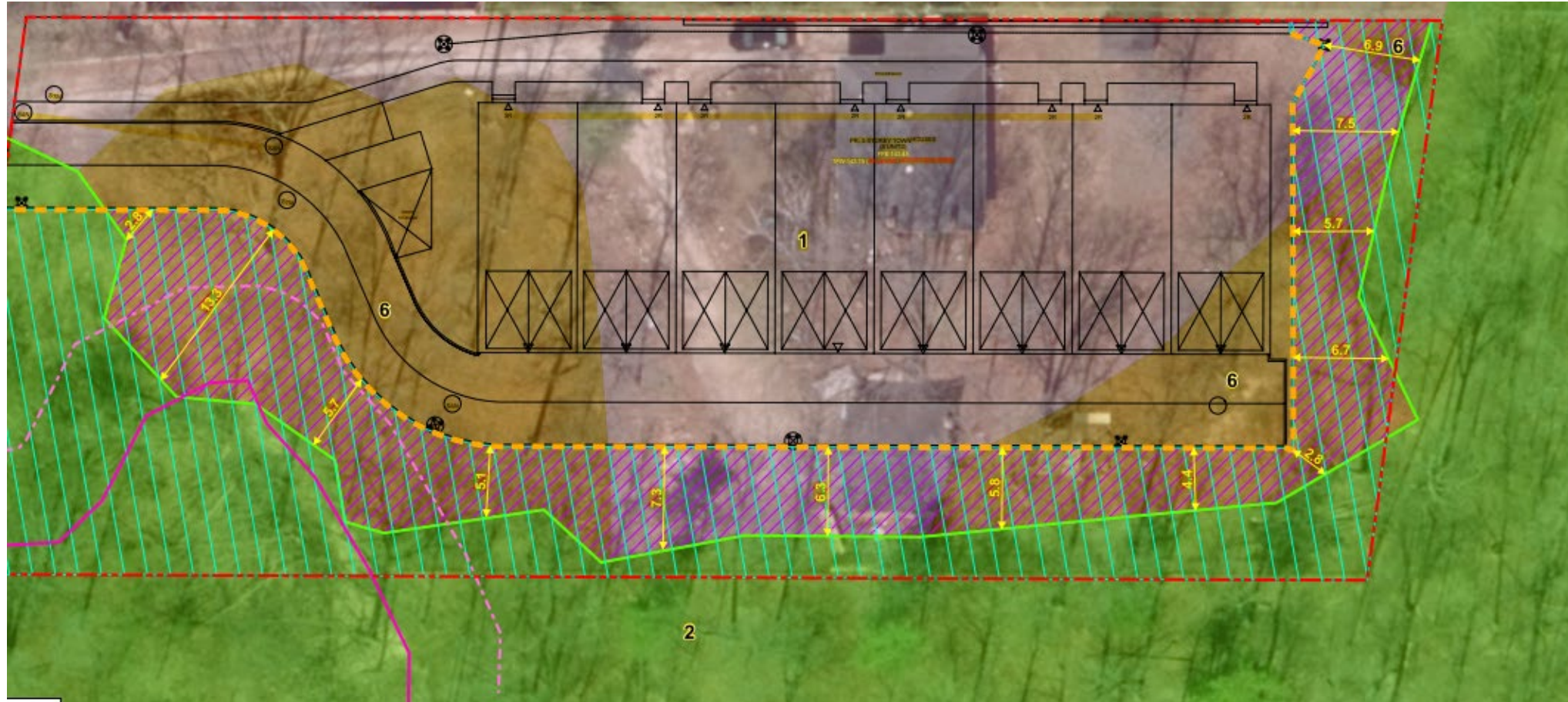
Too Many Exceptions and Deviations of Existing Standards Policies and Requirements

- We appreciate that Planning Staff have evaluated the application and provided a big picture conclusion that it represents good planning however this application relies on many exceptions, and deviations from standard policies and requirements to make it viable.
- The staff report notes these exceptions but does not appreciate the cumulative effect.
- Many of the exceptions relate to environmental protections of sensitive environmental features of the forest and Tuck Creek valley lands.





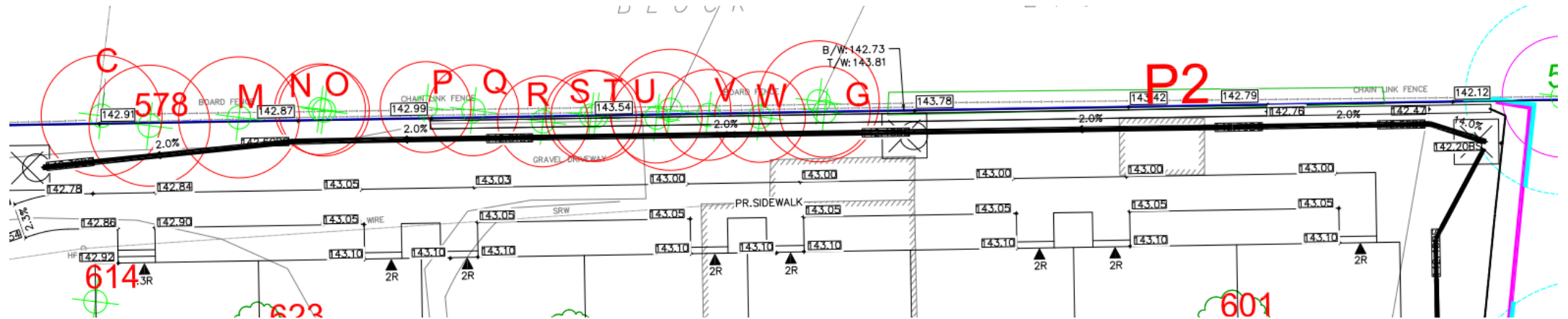
Reduced environmental setbacks



Frontage on to Cleaver Park



Tree Removals in Cleaver Park



From Staff Report

City of Burlington – Environmental Planning – Staff indicated concerns with the proposed buffer and related pinch points as well as the impacts to the critical root zone of two woodland edge trees and 5 trees within the proposed buffer which are subject to the previously discussed No Negative Impact (NNI) policies. Additionally, staff indicated that road salt contamination and the proposed mitigation strategies, including deferring the responsibility of salt management to future homeowners, represented a potentially unmitigated impact mainly to the integrity of the woodland edge trees.

From Staff Report

City of Burlington – Urban Forestry and Landscaping – Staff indicated concerns with the proposal based on the proposed Significant Woodland buffer widths, which include pinch points as narrow as 2.7 m from the staked dripline, are not considered sufficient to protect the RNHS woodlot. Under the Region of Halton Buffer Refinement Framework, a 10 m buffer is the standard requirement for significant woodlands. The EIA presented specific factors such as vegetation sensitivity, existing disturbance, and the proximity of proposed works to justify the reduced buffer. However, it does not provide adequate rationale demonstrating how long term ecological functions will be maintained within the reduced width pinch point areas.

Planning Staff Comment: The above comments have been taken into consideration; however, planning staff are recommending approval of the Official Plan and Zoning By-law amendment

Summary

- We appreciate the planning objectives of the City including intensification where appropriate.
- In this case, the intensification may appear appropriate in the big picture however it relies on too many exceptions and squeezing of buffers setbacks with implications to Cleaver Park adjacent homes and the environment of Tuck Creek and forest lands.
- We are not opposed to development and some intensification of 2105 Headon Road, however the proposed built form is excessive for the location and should be scaled back.

Recommendation

- We recommend that the application be sent back to staff to reduce the degree of intensification, so the development better conforms to the surrounding lands including the forest, Tuck Creek, Cleaver Park, Headon Road and surrounding houses.

From: Kunal Vaswani [REDACTED]
Sent: Monday, June 29, 2026 1:29 PM
To: Da Silva, Mariana <Mariana.DaSilva@burlington.ca>
Cc: Mailbox, Office of the Mayor <mayor@burlington.ca>; Bentivegna, Angelo <Angelo.Bentivegna@burlington.ca>; Mailbox, Clerks <Clerks@burlington.ca>
Subject: Written Submission – Opposition to Official Plan & Zoning Amendments – 2105 Headon Road (Files 505-08/26 & 520-08/26)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Meed Ward, Councillor Bentivegna, Ms. Da Silva, and Members of Legislative Services,

I am writing as a resident of the Headon Forest community to formally submit my comments regarding the proposed Official Plan and Zoning By-law Amendments for 2105 Headon Road.

I appreciate Burlington's efforts to address housing needs through thoughtful intensification. My concerns are not with the addition of housing itself, but with whether this particular location is appropriate for increased density given its relationship to an established park, significant pedestrian activity, and the adjacent natural heritage system.

After reviewing the planning documents, including the Environmental Impact Study and Staff materials, I respectfully request that Council carefully reconsider this proposal and either defer approval pending additional study or refuse the requested amendments unless these concerns can be satisfactorily addressed.

1. Public Safety – School Children and Pedestrian Movement

My greatest concern is pedestrian safety. The proposed driveway would introduce a new residential access point onto Headon Road immediately adjacent to one of the most frequently used pedestrian routes in our neighbourhood. Every weekday, children and families from the Headon Forest community walk through this area to access C.H. Norton Public School, Cleaver Park, nearby trails, and neighbourhood amenities. While the planning documents address vehicular access, I have not found evidence of a detailed pedestrian conflict assessment during school arrival and dismissal periods.

Before approving this application, I respectfully request that Council confirm:

- whether pedestrian counts were completed during school peak hours;
- whether school travel patterns were evaluated;
- whether sight-line impacts have been independently assessed;
- whether Burlington Traffic staff reviewed this location specifically for child pedestrian safety; and
- whether additional traffic-calming or crossing improvements are required.

Introducing additional vehicle movements where young children already cross daily should receive a thorough public safety review.

2. Loss of a Valued Community Green Space

Although I understand the property is privately owned, it has functioned for many years as part of the broader park landscape experienced by surrounding residents.

The site contributes to the openness of Cleaver Park and serves as part of the neighbourhood's visual and recreational character. Residents use this area daily for walking, accessing the park, enjoying nature, and travelling between neighbourhoods.

Once developed, this open space cannot be restored.

Council should consider not only ownership of the parcel but also the important role it has played in the character and livability of the surrounding community.

3. Environmental Considerations

The applicant's own Environmental Impact Study acknowledges that the adjacent Dry–Fresh Oak–Hickory Deciduous Forest qualifies as a significant woodland because of its size and its proximity to Tuck Creek. The report recommends buffers and mitigation measures to reduce impacts.

However, mitigation should not automatically be interpreted as an absence of impact.

I respectfully ask Council to carefully examine whether the proposed development truly demonstrates that there will be no long-term negative impacts on:

- the significant woodland,
- mature tree canopy,
- wildlife habitat,
- ecological connectivity, and
- the natural heritage system surrounding Tuck Creek.

Given Burlington's commitments to environmental stewardship and urban tree preservation, I believe these issues deserve particular attention.

4. **Traffic and Parking**

The proposal provides only two visitor parking spaces for eight townhouse units.

This raises reasonable concerns regarding:

- visitor parking,
- delivery vehicles,
- contractors,
- ride-share services,
- and overflow parking on surrounding streets.

The cumulative effect of these additional vehicle movements near an active park entrance and school pedestrian route should be carefully assessed.

5. **Neighbourhood Character**

The proposal requires amendments to both the Official Plan and the Zoning By-law because it does not conform to the existing planning framework.

Council should consider whether granting these site-specific exceptions represents good planning and whether it establishes an appropriate precedent for future redevelopment within established neighbourhoods.

My Request to Council

I respectfully request that Council:

1. Require a detailed pedestrian and school safety assessment before considering approval.
2. Carefully review whether the Environmental Impact Study adequately demonstrates that there will be no long-term impacts on the adjacent significant woodland and natural heritage system.
3. Consider the cumulative loss of neighbourhood green space, mature tree canopy, and community character associated with this proposal.
4. Ensure that any approval is supported by evidence demonstrating that pedestrian safety, environmental protection, and neighbourhood compatibility have been fully addressed.

As a resident directly affected by this proposal, I appreciate the opportunity to provide these comments. I respectfully request that this letter be included in the public record and considered as part of Council's deliberations.

Thank you for your time and your service to our community.

Sincerely,

Kunal Vaswani

Headon Forest Resident

Burlington, Ontario

From: Dan
Sent: Monday, June 29, 2026 9:24 AM
To: Da Silva, Mariana <Mariana.DaSilva@burlington.ca>
Subject: Headon Road Development Proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mariana,

I am emailing about the development and destruction of Headon Forest on Headon Road for about the 8 townhouses behind CH Norton School. I live and grew up here, and the destruction of green space where I grew up playing and was hoping my son would also experience is very upsetting.

Dan, Larissa and Colby Byckalo

Appendix F – Detailed Planning Analysis

1.0 The Provincial Planning Statement, 2024 (PPS)

The Provincial Planning Statement (the “PPS”) came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. This replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

In accordance with Section 2.1. 6., Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

In accordance with Section 2.2.1, planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- b) permitting and facilitating
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing options within previously developed areas, and redevelopment;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, in proximity to transit, including corridors and stations.

The PPS directs that growth and development be focused in ‘Settlement Areas’. Settlement Areas include built-up urban areas where development is concentrated, and

which have a mix of land uses and lands which have been designated in an Official Plan for development over the long term.

In accordance with Section 2.3.1 1. and 2., Settlement Areas shall be the focus of growth as well as development and should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

Settlement Areas also include Strategic Growth Areas which are defined under the plan as nodes, corridors, and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher density mixed uses in a more compact built form. The subject lands are found along Plains Road East which is designated as 'Regional Intensification Corridor' under the Regional Official Plan and envisioned as an 'MTSA Primary Connector' and 'Frequent Transit Corridor' under the Local Official Plan (2020, as amended) as later discussed in this analysis. Therefore, staff are of the opinion that the subject lands are within a Strategic Growth Area. In accordance with Section 2.4. 2., in order support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, Strategic Growth Areas should be planned:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- d) to support affordable, accessible, and equitable housing.

The proposed development consists of residential intensification from the existing 7 residential units to 66 new residential units that would serve as additional housing options in the city, and which will be municipally serviced by nearby existing public transit routes. The subject lands are approximately 130m west on Plains Road East from a Burlington Transit bus stop located on Route 4 (Central). This Route runs along the intersection of Plains Road East and Shadeland Avenue and between the Aldershot GO Station to the Downtown and Appleby GO Station. As a result, staff are of the opinion that the proposed development is an efficient use of the land, resources, infrastructure and public service facilities which are planned and available.

In accordance with Section 2.4.1 3., planning authorities should identify the appropriate type and scale of development in Strategic Growth Areas and the transition of built form to adjacent areas as well as permit development and intensification within these to support the achievement of complete communities and a compact built form. The proposed development has considered transition to adjacent areas based on the applicable Official Plan design policies and associated design guidelines while providing for residential intensification as later discussed in this analysis.

In accordance with the energy conservation, air quality and climate change policies, Section 2.9 describes that Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
- c) support energy conservation and efficiency;
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

The proposed development contemplates the redevelopment of the subject lands from two (2) existing residential buildings containing a total of seven (7) dwelling units to a proposed seven-storey mixed-use building comprising ground-floor retail and service commercial uses and 66 residential units. The proposed development will be supported by existing and planned municipal servicing infrastructure, as well as public service facilities that currently serve the surrounding neighbourhood. Additionally, as later discussed in this analysis, the applicant provided a checklist of the Sustainable Building Design Guidelines and demonstrated how these have been included as part of the development proposal through building design strategies. The guidelines ensure that negative impacts to air quality and climate change are minimized, that energy efficiency is promoted and prepare for the impacts of a changing climate.

In accordance with the Land Use Compatibility policies under Section 3.5 1., major facilities and sensitive land uses, such as residential uses, shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant was requested to provide a Land Use Compatibility Study. This included a Detailed Environmental Air Quality Assessment and an Environmental Noise Feasibility Assessment to assess the potential noise, dust, and odour impacts from nearby industrial and commercial operations on the subject lands, in accordance with the Ontario Ministry of Environment, Conservation and Parks requirements. The primary potential source of air quality and noise impacts were identified from the CN Rail Aldershot Yard, approximately 560m northwest from the subject lands. However, in the worse-case scenarios such as idling or slow-moving trains, the predicted concentrations fall below the Ministry of Environment, Conservation and Parks criteria, therefore no adverse impacts are anticipated. The primary road traffic noise source at the proposed development were determined to be from Plains Road East, which can be controlled through the installation

of central air conditioning and acoustic barriers on the rooftop terraces, as well as specific windows and doors. The study concludes that adverse effects from odour, dust, and noise are not expected at the proposed development from surrounding industrial/commercial operations. Staff is of the opinion that the proposed development, as modified, therefore maintains the intent of the outlined land use compatibility policies.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., healthy and active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity; planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages. The proposed development provides access to landscaped public boulevards along Plains Road East which connect to the public realm.

In accordance with section 4.6.3, planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved. Directly abutting the subject lands to the west is the property 192 Plains Road East which contains a detached service commercial building. This property is recognized as a non-designated heritage property also known as the Scheer-Read Farmhouse. Heritage staff have reviewed the application materials, particularly the scoped Heritage Impact Assessment (HIA). The scoped HIA is complete and finds that the proposed development will have no negative impacts on 192 Plains Road East and thus no mitigation is required. Heritage Planning staff have no further comments on the submitted materials, however, may make additional comments at the Site Plan Control stage.

As per the analysis provided, planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment, as modified by staff, are consistent with the PPS.

3.0 Halton Region Official Plan (ROP)

The Halton Region Official Plan (the “ROP”) describes that it provides for “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services”. The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated as ‘Urban Area’, and considered to be within a ‘Strategic Growth Area’ as they are located along Plains Road East which is a right-of-way that is designated as ‘Regional Intensification Corridor’ also referred to as the ‘Plains-Fairview

Corridor'. In accordance with Section 72, the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity. Furthermore, in accordance with Section 74, the Urban Area consists of areas designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities.

In accordance with Section 82.3, some of the objectives of Regional Intensification Corridors are to recognize Strategic Growth Areas in the Region and accommodating higher-density mixed use development and/or a mix of employment uses appropriate to the existing local context as well as to achieve increased residential and employment densities to ensure the viability of existing and planned transit. The proposed development is intended to provide intensification of a mix of uses that support a pedestrian-oriented urban environment and existing as well as planned transit while ensuring the neighbourhood character is preserved.

Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained as well as to promote residential intensification through the development or redevelopment of greyfield sites which would include vacant lands. The proposed development consists of housing intensification within underutilized parcels as it proposes a conversion from the two (2) residential buildings with a total of seven (7) residential units into a seven (7) storey (inclusive of a 7th storey outdoor amenity area) mixed use building consisting of 66 residential units and ground floor retail and service commercial uses while aligning with the planned character of the area as later discussed in this analysis.

In accordance with Section 89(3), all new development within the Urban Area is to be connected to the Region of Halton's municipal water and wastewater system. As part of the required materials for the application submission, the applicant provided a Functional Servicing and Stormwater Management Design Report which was reviewed by Halton Region staff as well as Development Engineering staff. Development Engineering and Regional staff have requested revisions to be provided by way of a holding provision required to be lifted ahead of the subsequent Site Plan application stage.

Section 147. (6) of the ROP describes that it is policy of the Region to promote the planting of new trees, and retain treescapes along major transportation corridors, replace trees cut down for public works and, wherever possible, develop new treescapes consistent with safe and aesthetically pleasing road or corridor design. Similarly, in accordance with the Sustainable design and compatibility policies under Part II, Section 2.7.3 of OP 1997, at the site planning stage, site plans will be reviewed for Sustainable Development considerations such as, but not limited to, the preservation of existing trees and other

vegetation. In accordance with Section 4.3.2 d) of the OP 2020, in order of priority, all development proposals and infrastructure projects, including City projects, should:

- (i) preserve existing healthy trees. The location of existing healthy trees shall be considered when establishing the location and building envelope of a proposed development;
- (ii) relocate healthy trees where feasible;
- (iii) plant replacement trees where trees are removed. Replacement planting requirements shall be established using an aggregate-caliper formula, to the satisfaction of the City. If replacement trees cannot be accommodated on-site, off-site compensation may be considered to maintain and enhance the neighbourhood canopy; and
- (iv) incorporate the planting of additional trees where appropriate.

As described under report DGM-45-26, the proposed development is also contingent upon the removal of municipal tree 708 to facilitate the proposed development. Planning staff have reviewed the proposed tree removal in light of the City's tree canopy objectives as well as its housing supply objectives and is of the opinion that replacement and compensation for the removal of existing trees is appropriate.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ) and a Phase One Environmental Site Assessment. The submitted materials have been reviewed by Development Engineering staff and have requested that a Phase Two Environmental Site Assessment be provided, by way of a holding provision at required to be lifted ahead of the subsequent Site Plan application stage.

As per the analysis provided, planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law amendment, as modified by staff, conforms to the ROP.

4.0 City of Burlington Official Plan (1997, as amended)

The City of Burlington Official Plan (the "OP 1997") provides specific guidance on land use planning and development within the city. The Official Plan includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are designated as 'Residential Areas' under Schedule 'A' – Settlement Pattern of the OP 1997. In accordance with Part III, Section 2.2.1 some of the objectives of the 'Residential Areas' designation are to encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial

growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods.

The subject lands are further designated as 'Residential – Medium Density' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area in OP 1997. In accordance with Part III Section 2.2.2 d) and g) (ii), in 'Residential – Medium Density' areas, either ground or non-ground-oriented housing units including detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments shall be permitted provided that these forms meet a density ranging between 26 and 50 units per net hectare. Furthermore, notwithstanding the policies of Part III, Subsection 2.2.2 d), the lands designated "Residential Medium Density" on the south side of Plains Road, between Cooke Boulevard and Filmandale Road, shall be subject to site-specific zoning regulations designed to protect the existing character of this portion of Plains Road and provide compatibility with the abutting neighbourhood to the south. Any exterior alteration or addition to the property shall maintain the residential appearance and character of the property.

The proposed development therefore requires an Official Plan Amendment to redesignate the properties from 'Residential – Medium Density' to 'Mixed Use Corridor – General' with site-specific policies to permit increased height from existing permissions from 2- to 6-storeys as well as increased Floor Area Ratio (FAR) from the existing maximum 1.5:1 to 2.4:1.

In accordance with Part III, Section 5.3.2 a), the following uses may be permitted within the "Mixed Use Corridor-General" designation:

- (iii) a wide range of retail, service commercial and personal service uses; financial institutions and services; a broad range of office uses; entertainment, recreation and other community facilities such as day care centres; and small scale motor vehicle dealerships; and
- (iii) high density residential uses and a full range of office uses

The proposed development will only permit an Apartment Building with Retail or Service Commercial uses on the ground floor through the site-specific regulations proposed under Appendix E – Draft Zoning By-law Amendment.

In accordance with Part III, Section 5.3.2 b) and c), Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within and in close

proximity to the Corridor, retail and service commercial uses are to be located at street level in office or residential buildings.

In accordance with Part III, Section 5.3.2 d), Zoning By-law regulations affecting 'Mixed Use Corridors shall be based on the following factors:

- (i) the maximum floor area ratio of development at any site shall be 1.5:1. City Council may consider a higher floor area ratio in conjunction with a site-specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking;
- (ii) the minimum building height shall be two storeys and the maximum building height shall be six storeys. Where required to ensure compatibility, four to six storey buildings may be required to be terraced back from adjacent residential areas and/or the street;
- (iii) the implementing zoning by-law shall identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street. These setbacks may be modified for specific corridors following the completion of Council-approved Corridor studies;
- (iv) all buildings shall be required to have a building entrance from the building façade closest to the corridor street; and
- (v) off-street parking needs may be reduced for sites with transit supportive designs or shared parking arrangements.

The proposed development has considered various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through building design measures and the provision of at-grade and underground parking as discussed in later sections of this analysis. Additionally, the proposal has been reviewed along with the applicable intensification policies under the OP 1997, the envisioned urban design policies of the OP 2020 and the urban design guidelines as later discussed in this analysis.

The criteria listed under Part III, Section 2.5.2 a) shall be considered when evaluating proposals for housing intensification within established neighbourhoods, as follows:

Part III, Section 2.5.2 a) (i): adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.

Staff comment: The City's Development Engineering staff, Halton Region staff, Halton District School Board staff and Halton Catholic District School Board staff have been

circulated as part of the technical review process. Staff have indicated no concerns with the proposed development and existing servicing and school infrastructure subject to the inclusion of holding provisions for additional revised materials to be provided.

Part III, Section 2.5.2 a) (ii): adequate off-street parking.

Staff comment: The proposed development contemplates a total of 94 vehicle parking. For the retail store use with a total retail Gross Floor Area (GFA) of 183 m², 10 parking spaces are required based on a rate of 5 spaces per 100 m² of GFA. The proposed development identifies a minimum of 6 parking spaces for the retail use, as outlined in the Planning Justification Report, representing a deficiency of 4 spaces. Additionally, the subject lands are within the 'Plains Road Corridor Residential Parking Exemption Area' in accordance with Diagram 1B under Zoning By-law 2020. As such, no minimum parking rates are required for the subject lands. Transportation Planning have reviewed the submitted application and related materials and have indicated no concerns with the proposed parking rates provided that 10 retail parking spaces are clearly labelled on the plans as part of a subsequent Site Plan application. The proposed development also includes a total of three (3) designated accessible parking spaces distributed between the at-grade and two (2) underground parking levels, provided in accordance with the required accessible parking rates under Zoning By-law 2020.

Part III, Section 2.5.2 a) (iii): the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.

Staff comment: The City's Transportation Planning staff have reviewed the application as well as the associated materials submitted and have indicated support of the application and the proposed land-use and density as the transportation network can accommodate the increase without significant negative impact. Transportation planning staff have also indicated no concerns with the proposed driveway access on Plains Road and requested further detailed design information for a future Site Plan application.

Part III, Section 2.5.2 a) (iv): the proposal is in close proximity to existing or future transit facilities.

Part III, Section 2.5.2 a) (xiii): proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

Staff comment: The proposed development fronts onto Plains Road East which is designated as a 'Multi-Purpose Arterial' under Schedule J – Classification of Transportation Facilities and contains pedestrian access to Plains Road East. The subject lands are located approximately 75m east on Plains Road East from two separate Burlington Transit bus stops located on Route 1 (Plains – Fairview East). This route runs along Plains Road East, loops at the City of Hamilton and into the Burlington GO and Appleby GO Stations. Additionally, the subject lands are approximately 130m west on Plains Road East from a Burlington Transit bus stop located on Route 4 (Central). This Route runs along the intersection of Plains Road East and Shadeland Avenue and between the Aldershot GO Station to the Downtown and Appleby GO Station. The built form, scale and profile of development is well integrated with the existing neighbourhood and provides for appropriate transition between existing and proposed residential built form as later discussed under the analysis of the Zoning By-law and applicable Urban Design Guidelines including the Mid-Rise Building Guidelines, Pedestrian Level Wind Study Guidelines and Shadow Study Guidelines.

Part III, Section 2.5.2 a) (v): compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided.

Part III, Section 2.5.2 a) (ix): capability exists to provide adequate buffering and other measures to minimize any identified impacts.

Staff comment: The applications intend to amend the existing site-specific policy 165 to permit an increased maximum building height of 7-storeys and an increased maximum floor area ratio of 2.4:1. Additionally, it proposes rezone the property to an H-MXG-572 with site-specific amendments as later discussed in the Zoning By-law 2020 section of this analysis. Staff is of the opinion that the proposed building maintains compatibility with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage as later discussed under the analysis of the Zoning By-law and applicable Urban Design Guidelines including the Mid-Rise Building Guidelines, Pedestrian Level Wind Study Guidelines and Shadow Study Guidelines.

Additionally, as previously mentioned, Transportation Planning have reviewed the submitted application and related materials and have indicated no concerns with the proposed parking rates. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.

Part III, Section 2.5.2 a) (vi): effects on existing vegetation from development proposals are to be minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.

Staff comment: As previously discussed under report DGM-45-26, although Urban Forestry staff have indicated concerns with the removal of tree number 708, planning staff are of the opinion that replacement and compensation for the removal of existing trees is appropriate in the context of the site's location.

Part III, Section 2.5.2 a) (vii): significant sun-shadowing for extended periods on adjacent properties from the proposed development, particularly outdoor amenity areas, is to be at an acceptable level.

Staff comment: The proposed development has been reviewed against the Shadow Study Guidelines and Terms of Reference (2020) and a Shadow Study has been submitted with the subject applications as later discussed in this analysis. Planning staff have no concerns with the proposed development and its potential sun-shadowing impacts as these would remain at an acceptable level.

Part III, Section 2.5.2 a) (viii): accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.

Staff comment: The subject lands are intended to be designated and are within walking distance from 'Mixed Use Activity Areas' under Schedule 'A' – Settlement Pattern. As previously mentioned, these areas are planned for mixed use employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact urban form, and highly accessible by public transit. Additionally, directly across Plains Road is a commercial plaza with mixed use buildings including at-grade commercial uses. Staff are therefore of the opinion that the proposed development is near community services and other neighbourhood conveniences.

Part III, Section 2.5.2 a) (x): where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised.

Staff comment: Staff are of the opinion that based on the applicable Official Plan policies and the associated applicable urban design guidelines as later discussed under the analysis of the Zoning By-law and applicable Urban Design Guidelines including the Mid-Rise Building Guidelines, Pedestrian Level Wind Study Guidelines and Shadow Study Guidelines, the proposed development would not compromise the development of the nearby and directly adjacent properties.

Part III, Section 2.5.2 a) (xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 m) which describes that, future re-development and intensification in the South Aldershot area may be restricted by limited storm sewer

capacity and the potential for increased downstream flooding and/or erosion as a result of greater levels of storm water runoff due to development. The City may undertake one or more of the following measures to address this concern:

- (i) discouraging the reconstruction of existing streets with no curbs or gutters to an urban standard (curbs, gutters and storm sewers);
- (ii) where appropriate and feasible, requiring on-site storm water infiltration facilities and other storm water management techniques as part of the design of new development proposals;
- (iii) limiting the density or intensity of proposals for re-development and intensification in this area if required.

Staff comment: The proposed development constitutes intensification within the Aldershot area. Region of Halton staff as well as the City's Development Engineering staff have indicated no concerns with the proposed development and requested that a revised Functional Servicing and Stormwater Management report be submitted by way of a holding provision as set out under Appendix E- Draft Zoning By-law Amendment, as well as design details are addressed at the subsequent Site Plan application process.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan Amendment (as outlined under Appendix D – Draft Official Plan Amendment) and the proposed Zoning By-law Amendment (as outlined under Appendix E – Draft Zoning By-law Amendment), as modified by staff, are consistent with the intent of the OP 1997.

5.0 City of Burlington Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) (the "OP 2020"). The OP 2020 is subject to appeals which are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the OP 2020 and relevant appeals, visit www.burlington.ca/officialplan.

The subject lands are designated as 'Mixed Use Nodes and Intensification Corridors' under Schedule B – Urban Structure. In accordance with Section 2.3.1 j) 'Mixed Use Nodes and Intensification Corridors' represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas. Lands identified as Intensification Corridors consist of areas of street oriented uses which incorporate a mix of commercial, residential and employment uses, including designated employment lands, developed at overall greater intensities, serving as important transportation routes along higher order transit corridors and selected arterial streets. These areas will also be a focus of reurbanization and vary widely and will be guided by the underlying land use designations of this Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented uses, both designed to achieve their planned function. These will support the frequent transit corridors and provide focal

points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses.

The subject lands are further envisioned to be designated as ‘Urban Corridor’ under Schedule C – Land Use – Urban Area. In accordance with Section 8.1.3 (7.2) c), the following uses may be permitted on lands designated Urban Corridor:

- (i) retail and service commercial uses;
- (ii) automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect;
- (iii) residential uses with the exception of single-detached and semidetached dwellings;
- (iv) office uses;
- (v) entertainment uses; and
- (vi) recreation uses.

In accordance with Section 8.1.3 (7.2) j), the permitted retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of office or residential buildings and should be permitted above or below the first storey of buildings.

In accordance with Section 8.1.3 (7.2) f), a maximum floor area ratio of development of 2.0:1 is an appropriate built form in Urban Corridor lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Urban Corridor designation are maintained. Similarly, in accordance with Section 8.1.3 (7.2) g), the minimum building height shall be 2-storeys and the maximum building height shall not exceed 6-storeys. Where required to ensure compatibility, 4- to 6-storey buildings may be required to be terraced back from adjacent residential areas and/or the street. In accordance with Section 8.1.3 (7.2) h), to ensure compatibility with adjacent residential areas the maximum 6-storey building height may not be permitted on sites that are small in size, have insufficient depth, are adjacent to areas designated Residential-Low Density, or front local streets.

In accordance with Section 8.1.3 (7.2) j), Retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of office or residential buildings and should be permitted above or below the first storey of buildings. A limited amount of office uses may also be permitted on the ground floor. In accordance with Section 8.1.3 (7.2) m), any proposed development of sites designated Urban Corridor shall retain the planned commercial function of the site, in accordance with the objectives of Sections 8.1.3 (7.1) b) and f). Similarly, Section 8.1.3 (7.2) n), describes that the Zoning By-law shall establish a maximum floor area and a maximum floor area at grade per individual retail and service commercial unit, based on such considerations as planned

commercial function, built form, and contribution to achieving vibrant, active and walkable built environments in Urban Corridor lands.

The proposed zoning H-MXG-572 includes maximum floor area in the underlying MXG zone regulates a maximum Floor Area of 1800m² per retail or service commercial use of a building. Therefore, staff is of the opinion that the proposed development meets the planned commercial function of the site.

The development application criteria listed under Section 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable.

Section 12.1.2 (2.2) c) (i): the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan.

Staff comment:

In accordance with Section 4.6, the Land Use Compatibility policies describe that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with provincial guidelines, standards and procedures.

The subject lands and the properties directly adjacent are envisioned to be designated as 'Urban Corridor' under OP 2020 except for the properties abutting the rear property line property line which are designated as 'Low Rise Neighbourhoods I'. The 'Urban Corridor' designation is envisioned to provide for a mix of uses in compact built form, including residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open space uses while the 'Low Rise Neighbourhoods I' designation is envisioned to provide for single-detached and semi-detached dwellings as well as townhouses subject to specific criteria.

The proposed development on the subject lands aims to redevelop the existing 2 residential detached dwellings into a seven (7) storey (inclusive of a 7th storey outdoor amenity area) mixed use building consisting of ground floor retail and service commercial uses and 66 residential units, therefore the uses on the subject lands would remain residential along with 183m² of retail and service commercial uses at grade. As part of the application submission, the applicant provided a Land Use Compatibility Study inclusive of a Noise Feasibility Study, which Planning staff deem to be appropriate for the subject lands. The applicant also provided a Phase One Environmental Site Assessment which has been reviewed by Development Engineering staff and have requested that a Phase Two Environmental Site Assessment be submitted through a holding provision (as included under Appendix E – Draft Zoning By-law Amendment). Overall, staff have not indicated concerns with respect to land use compatibility, site contamination, and noise

generated by the proposed development. Therefore, Planning staff is of the opinion that the proposed development conforms with the policies under Section 4.6 of the OP 2020.

Section 12.1.2 (2.2) c) (iii): the development shall be consistent with the intent of the Section 2.3 – The Urban Structure, of the Plan and maintain the land use vision established in the land use designations of this Plan.

Staff comment: The proposed development is in accordance with the ‘Mixed Use Nodes and Intensification Corridors’ policies outlined under Section 2.3.1 as previously discussed.

Section 12.1.2 (2.2) c) (v): the development, where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes intensification.

Staff comment:

The subject lands are designated as ‘Secondary Growth Area’ under Schedule B-1 – Growth Framework of the Plan. In accordance with Section 2.4.2 (2) a) (ii), (iv) and (v), Secondary Growth Areas shall be recognized as a distinct area within the city’s Urban Area accommodating growth in accordance with the permissions and densities of the current land use designations of this Plan, shall be limited to a maximum of mid-rise building form, unless otherwise permitted by the policies of this Plan; and where applicable, shall support the frequent transit corridors and accommodate development that is compact, mixed use and pedestrian-oriented in nature. The proposed development constitutes intensification in accordance with the general intent of the underlying land use designations under local, regional and provincial policy. The proposed development is intended to support existing and planned transit as well as pedestrian routes which in turn supports population growth.

Section 12.1.2 (2.2) c) (ii): the development shall achieve built form compatibility.

Section 12.1.2 (2.2) c) (iv): the development shall achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence.

Section 12.1.2 (2.2) c) (viii): the development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided.

Staff comment:

In accordance with Section 7.3.2 (1) (i), ‘Secondary Growth Areas’ are subject to the design policies of Subsection 7.3.2 a) of OP 2020, where applicable and additional considerations such as, but not limited to:

- a. locating buildings generally parallel to the public street to define the street edge and along the edges of parks, urban squares and other open space features, and in close proximity to the street and transit services;
- b. providing appropriate transitions to adjacent land uses, particularly residential uses;
- c. massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also provides for a pedestrian-scale environment;
- d. locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;
- e. including direct pedestrian access, including barrier free access from grade level, to the primary public entrances located on the building façade;
- f. screening or integrating roof top mechanical equipment within the overall composition of the building;
- g. creating an attractive and connected interface between the private and the public realms;
- h. creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings; and
- i. providing appropriate outdoor amenity areas and open spaces and promoting the incorporation of private open spaces to the open space network of the immediate community.

Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been conducted as part of later sections through the review of the applicable urban design guidelines.

Section 12.1.2 (2.2) c) (vi): the development shall be supported by available infrastructure and public service facilities.

Section 12.1.2 (2.2) c) (xi): the development where residential uses are proposed shall demonstrate the degree to which public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit.

Staff comment: Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been conducted as part of the OP 1997 Part III, Section 2.5.2 a) (viii) as previously mentioned in this analysis.

Section 12.1.2 (2.2) c) (vii): the development shall preserve and protect trees, consistent with the policies contained in Section 4.3, Urban Forestry.

Staff comment: Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been

conducted as part of the OP 1997 Part III, Section 2.5.2 a) (vi) as previously mentioned in this analysis.

Section 12.1.2 (2.2) c) (ix): the development shall demonstrate that future development on the adjacent properties will not be compromised by the proposal and be designed to facilitate future pedestrian, cycling and/or private street connections.

Staff comment: The proposed development is not intended to compromise future development on the adjacent properties, this has been reviewed along with the Urban Design Policies as later discussed under this analysis which speak to the related built form impacts onto the adjacent properties. Additionally, the proposed development has been designed to facilitate future pedestrian, cycling and/or private street connections by way of sidewalks and entrances along Plains Road East, as well as throughout the site.

Section 12.1.2 (2.2) c) (xii): the development shall address multi-modal transportation considerations and be consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited that the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity and it shall accommodate sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10.

Section 12.1.2 (2.2) c) (xvi): the development considers the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters.

Section 12.1.2 (2.2) c) (xvii): the development complements and connects with the public realm, including walking and cycling facilities.

Staff comment: The proposed development fronts onto Plains Road East which is designated as a 'Frequent Transit Corridor' and 'MTSA Primary Connector' under Schedule B-2 Growth Framework and Long Term Frequent Transit Corridor, as a 'Multi Purpose Arterial' under Schedule O-1 – Classification of Transportation Facilities - Urban Area and as a 'Bike Lane' under Schedule P – Long Term Cycling Master Plan. The proposed development contemplates pedestrian and vehicular access to Plains Road East and proposes a total of 45 bicycle parking spaces, near public transit, pedestrian paths and higher order transit as previously mentioned. Therefore, staff are of the opinion that the proposed development has considered multi-modal transportation, has considered the relationship to existing or planned transit facilities along Plains Road East by providing for appropriate connectivity to the public realm.

Section 12.1.2 (2.2) c) (xiii): the development conserves cultural heritage resources, where applicable, in accordance with the policies in Section 3.5, Cultural Heritage Resources, of this Plan.

Staff comment: As previously mentioned, directly abutting the subject lands to the west is the property 192 Plains Road East which contains a detached service commercial building. This property is recognized as a non-designated heritage property also known as the Scheer-Read Farmhouse. Heritage staff have reviewed the application materials, particularly the scoped Heritage Impact Assessment (HIA). The scoped HIA is complete and finds that the proposed development will have no negative impacts on 192 Plains Road East and thus no mitigation is required. Heritage Planning staff have no further comments on the submitted materials, however, may make additional comments at the Site Plan Control stage. As such, planning staff is of the opinion that policies under Section 3.5 are met.

Section 12.1.2 (2.2) c) (xiv): the development shall provide stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan.

Staff comment: As part of the required materials for the application submission, the applicant provided a Functional Servicing and Storm Water Management Report which was reviewed by Development Engineering staff, whom indicated no objections to the applications and requested that a revised version be submitted by way of a holding provision as set out under Appendix E- Draft Zoning By-law Amendment, as well as design details are addressed at the subsequent Site Plan application process.

Planning staff have reviewed the Official Plan Amendment and Zoning By-law Amendment application as well as the materials submitted and are of the opinion that the proposed development conforms to the general intent and purpose of OP 2020.

6.0 Zoning By-law 2020

The subject lands are currently zoned 'RM2-119' (Residential – Medium Density with site exception 119) and are also zoned as 'RM1-346' (Residential – Medium Density with site exception 346) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning). The RM2 zone permits detached, semi-detached, duplex, triplex, fourplex and townhouse buildings as well as Retirement Homes specific institutional uses and Additional Residential Units (ARUs) subject to specific criteria. The RM1 zone permits detached, semi-detached, duplex and triplex buildings as well as Retirement Homes, specific institutional uses and Additional Residential Units (ARUs) subject to specific criteria. Site exception 119 further permits a 6-unit residential building subject to the RM2 zone regulations applying to a Fourplex with other site-specific provisions for the lands municipally known as 198 Plains Road East. Site exception 346 further permits townhouses and office uses with other site-specific provisions for the lands municipally known as 206 Plains Road East.

The application requests a Zoning By-law Amendment to rezone the subject lands from 'RM2-119' and 'RM1-346' to 'H-MXG-572' ('Mixed Use General' with site-specific regulations and associated holding provision) to facilitate the development of a seven (7)

storey (inclusive of a 7th storey outdoor amenity area) mixed use building consisting of ground floor retail and service commercial uses and 66 residential units in the storeys above.

The following table outlines a comparative analysis of the requirements of the base 'MXG' zone, the existing 'RM2-119' and 'RM1-346' zones and the proposed 'H-MXG-572' zone:

Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Building Height	2 storeys minimum 6 storeys maximum	2 storeys maximum	2 ½ storey up to 13 m maximum	7 storeys, up to 26.4m maximum
Staff comment: The amending by-law proposes an increased height from the base MXG zone of 6 storeys to 7 storeys. The intent of regulating height is to prevent overdevelopment of a property as well as mitigate any negative impact that may arise from this. Staff is of the opinion that all potential impacts of increased height have been considered through the analysis of the applicable Official Plan policies and Urban Design Guidelines review, more specifically under the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Number of Dwelling Units	8 units minimum (minimum density of 30 units per hectare)	6 units maximum (subject to the RM2 Fourplex regulations)	not applicable, density is subject to applicable Official Plan policies	66 units maximum
Staff comment: The proposed development aims to establish a maximum number of residential dwelling units of 66 units to reflect the proposed development layout. In accordance with the policies set out under Provincial, Regional and Local policies as previously discussed, staff are of the opinion that the proposed residential intensification is appropriate for the subject lands.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Floor Area Ratio (FAR)	1.5:1 maximum 0.3:1 minimum	not applicable	not applicable	2.4:1 maximum
Staff comment: The amending by-law proposes an increased Floor Area Ratio (FAR) from the underlying MXG regulations of 1.5:1 to 2.4:1 to reflect the increased number storeys. The intent of regulating FAR is to regulate building size and massing and prevent the overdevelopment of				

a property as well as mitigate any negative impact that may arise from this. Staff is of the opinion that all potential impacts of overdevelopment have been considered as discussed throughout this report. As a result, staff is of the opinion that the proposed FAR increase and associated development concept is appropriate for the subject lands.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Maximum Floor Area for retail or service commercial uses	Maximum of 1800 m ²	not applicable	not applicable	Minimum of 183 m ² for all non-residential uses
Staff comment: The proposed development includes 183 m ² of non-residential floor area, comprising of retail and service commercial uses. While the MXG Zone does not establish a minimum floor area requirement for these uses, the proposed H-MXG-572 Zone introduces a minimum non-residential floor area to support and protect the intent of the applicable and planned Official Plan policies by ensuring the provision of at-grade commercial uses.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Yards	Yard Abutting Plains Road East: 3 m minimum 23 m maximum Yard Abutting any other street: 3 m minimum 4.5 m maximum Yard abutting a residential zone: Floors 1 to 3: 12m Floors 4 and 5: 15m Floor 6: 18m	Front Yard: ranges between 6 m to 9 m Rear Yard: 9 m Side Yard: 3 m Street Side Yard: 6 m	Front Yard: 12m Side Yard: with attached garage or carport: 10% of actual lot width without attached garage or carport: 10% of actual lot width, 3m on one side Street Side Yard: 9m	Yard Abutting south-west lot line: Floors 1 to 5: 4.1m Floors 6 to 7: 10.5m Yard Abutting north-east lot line: Floors 1 to 5: 4.3m Floors 6 to 7: 10.7m Yard Abutting rear lot line: Floors 1 to 6: 24 m Floor 7: 30 m Yard abutting any street: Notwithstanding Part 5, Section

				4.1, Table 5.4.1 the maximum yard abutting any street shall not apply.
Staff comment: The proposed building includes reduced yards along the south-west and north-east property lines, ranging from approximately 4 m to 10 m, and along the rear property line, ranging from approximately 24 m to 30 m. The rear yard setbacks exceed the existing minimum requirements of the underlying MXG Zone to mitigate potential massing impacts on adjacent low-rise designated properties and to accommodate the required 45-degree angular plane. Overall, the proposed setbacks are appropriate to support the building's design and built form, as discussed in the review of the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings. Staff are of the opinion that the proposed setback reductions are appropriate for the subject lands and neighbouring uses.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Amenity Area	15 m ² per efficiency dwelling unit 20 m ² per one-bedroom dwelling unit 35 m ² per two or more bedroom dwelling unit	not applicable	not applicable	24m ² (approximately 1,638 m ²)
Staff comment: The proposed development includes approximately 1,638 m ² of amenity space (approximately 24 m ² per unit), consisting of 226 m ² of indoor amenity space at grade as well as 1,412.7 m ² of outdoor amenity space in the form of private unit balconies (233 m ²), private unit terraces (361 m ²), private rooftop amenity (586 m ²) and at-grade landscaped areas (231 m ²). Staff consider the proposed rate to be an appropriate amount of amenity to account for the proposed 66 residential units being proposed.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Balconies and Terraces setbacks	Must meet principal building setback with encroachment allowance as follows:	same as MXG zone regulations	same as MXG zone regulations	balconies and/or rooftop terraces shall maintain the principal building yards of the storey below it.

	balcony projection into a required side yard: 0.50 m maximum balcony projection into any other required yard: 1.6 m maximum the sum of the length of these projections does not exceed one third of the permitted length of a building wall the length of any one projection does not exceed 3 m. terrace encroachment into a required yard: 0.65m maximum			
Staff comment: The proposed balconies and terraces do not project beyond the required yards, as previously described, and as included under the proposed H-MXG-572 regulations. The purpose of regulating balcony projections is to ensure that such features maintain the character of the streetscape, protect privacy between adjacent properties, minimize impacts on the public realm, and preserve access to sunlight and sightlines. Staff are satisfied that the proposed balconies comply with the established yard requirements and, as such, are appropriate for the subject lands. Furthermore, they are considered compatible with the surrounding built form and will not result in adverse impacts on adjacent properties or the public realm.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Landscape Buffer	Abutting a residential zone: 6 m	Abutting R1, R2, R3, LN3, LN4, LN5, LN6 zones: 6 m	For office uses only abutting an R2.1, R5,	Abutting south-west Residential Zone: 2.5 m

			LN5 and LN7 zone: 6m	adjacent to a building. Bicycle parking may encroach Abutting north-east Residential Zone: 2.8 m. Bicycle parking and sidewalk may encroach up to a maximum combined length of 10 m Abutting rear Residential Zone: 2.5 m
Staff comment: The proposed development was initially received with landscape buffers ranging from 1.2 m to 2.8 m in width, with minor encroachments to accommodate the proposed bicycle parking. Under Zoning By-law 2020, a Landscape Buffer is defined as the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees. Snow storage and transformers are not permitted in a required landscape buffer. Additionally, the purpose of a landscape buffer helps to ensure visual and physical separation between proposed development and adjacent residential zones, thereby reducing overlook and enhancing privacy. The proposed landscape buffers range from 2.5 m to 2.8 m along all property lines, except for the frontage along Plains Road which does not require a Landscape Buffer. This includes the staff recommendation to increase the rear yard landscape buffer from 1.2m to 2.5m. In addition, the landscape buffer along the south-west property line is proposed only adjacent to the portion of the site where the building is located. This reflects the proposed encroachments associated with the snow storage area, as well as the hydro transformer and pad at the rear of the site, which are necessary to support the overall functionality of the development. The proposed landscape buffers will continue to provide adequate space to accommodate dense evergreen and/or deciduous plantings and maintain its future long-term viability while maintaining the intended screening function. In addition, fencing is required along all property lines abutting residential zones, that being all property lines for the subject lands except for the property line abutting Plains Road East, providing an additional layer of visual screening and privacy for neighbouring residential properties. Staff is therefore of the opinion that the proposed landscape buffer widths, along with the staff recommended modification to increase				

the rear landscape buffer from the proposed 1.2 m to 2.5 m, are appropriate for the development.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Landscape Area	Abutting a street: 3m An outdoor patio may encroach into a required landscape area abutting a street.	6 m abutting a street having a deemed width greater than 26 m	50% of the front yard area shall be maintained as landscape area. 25% of the rear yard shall be maintained as landscape area.	Abutting Plains Road East: 1.5m Abutting south-west Residential Zone: 2.5m Snow storage, bicycle parking, Hydro Transformer and pad may encroach
Staff comment: The proposed development includes a landscape area reduction along Plains Road east from the required 3 m to 1.5 m. Under Zoning By-law 2020, a landscape area is defined as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. This area may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area and may include a ground sign but can not include snow storage and transformers. A Landscape Buffer may be included in the calculation of Landscape Area. In this case, the intent of the required landscape area is to provide an appropriate landscaped edge along the public right-of-way through adequate outdoor green space that supports trees and vegetation, helping to manage stormwater and enhance the local climate. Staff are of the opinion that this intent has been achieved through the proposed landscaping within the boulevard along the Plains Road frontage. Additionally, staff have included a requirement for a 2.5 m landscape area along the south-west property line to reflect the landscaped area that would otherwise be required as a landscape buffer. This approach maintains landscaped space around the proposed snow storage area, hydro transformer and pad, while accommodating the infrastructure necessary to support the overall functionality of the site.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Loading Space Yard	loading / unloading shall not take place	not applicable	not applicable	Loading / unloading may be permitted 4 m

	within 7.5 m of a residential zone			from abutting Residential Zone.
Staff comment: The intent of regulating the separation between loading spaces and residential zones is to promote land use compatibility by minimizing conflicts between commercial or industrial loading activities and adjacent residential areas. Staff is of the opinion that the proposed reduction is minor as well as appropriate, as the proposed development incorporates buffering measures to this, including landscaped buffers and required fencing along all property lines abutting a residential zone. These features are expected to mitigate potential impacts associated with loading and unloading activities and maintain compatibility with adjacent residential uses.				
Zoning Regulation	MXG	RM2-119	RM1-346	H-MXG-572 as amended
Bicycle Parking	2 spaces plus 1 space/1000m ² Gross Floor Area of retail and service commercial	not applicable	not applicable	<u>Retail</u> Short-term: 3 spaces plus 1 space/1000 m² GFA Long-term: 2 spaces plus 1 space/1000 m² GFA <u>Residential:</u> Short-term spaces per unit: 0.05 Long-term spaces per unit: 0.5
Staff comment: The underlying MXG zone requires 2 spaces plus 1 space per 1000 m² Gross Floor Area for retail and service commercial uses. The proposed development includes 183m² of new ground floor retail and service commercial, therefore would require 2 bicycle parking spaces. The proposed development provides for a total of 45 bicycle parking spaces including 36 long-term spaces and 9 short-term spaces at-grade. Transportation staff have indicated no concerns with the proposed bicycle parking rates or their location and have also recommended that a portion of these spaces be located in a secure, weather-protected area accessible to retail employees and visitors, which may be addressed by way of a future Site Plan application. Additionally, the proposed rates under the by-law include the minimum recommended rates as established under the 2017 Burlington City-Wide Parking Standards Review. Planning staff is				

therefore of the opinion that the proposed bicycle parking rates are appropriate for the subject lands.

As per the analysis above, staff is of the opinion that the proposed amendment to Zoning By-law 2020 as modified complies with the general intent of the Zoning By-law and is appropriate for the subject lands.

7.0 Sustainable Building and Development Guidelines

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long-term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication. As part of the application, the applicant submitted a review of the proposed development in relation to the Sustainable Building and Development Guidelines.

In accordance with guideline 2.1, development proposals are required to provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. This guideline helps to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides connection from the proposed access point along Plains Road to off-site public sidewalks that connect to nearby transit stops and transportation networks.

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan policies. This guideline helps ensure that sufficient bicycle parking spaces are provided in order to encourage a variety of active transportation modes. Additionally, guideline 2.5 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. Similarly, guidelines 2.6 encourages the provision of visitor bicycle parking spaces in a weather protected area at grade near the main entrance or easy to identify area.

In accordance with the Zoning By-law 2020, the underlying MXG zone requires 2 spaces plus 1 space per 1,000m² Gross Floor Area for Retail and Service Commercial uses. The proposed development includes 183m² of new ground floor retail and service commercial uses, therefore would require 2 bicycle parking spaces. The proposed development provides for 36 long-term bicycle spaces as well as 9 short-term bicycle spaces at-grade. This results in the approximate rates provided under the proposed amending by-law. Transportation staff have indicated no concerns with the proposed bicycle parking rates or their location and have also recommended that a portion of these spaces be located in a secure, weather-protected area accessible to retail employees and visitors, which may be addressed by way of a future Site Plan application. Additionally, the proposed amending by-law includes regulations for ensure that the minimum meets the requirement in the 2017 Burlington City-Wide Parking Standards Review, as outlined under Appendix E – Draft Zoning By-law Amendment.

In accordance with guideline 2.4, development proposals are encouraged to provide a Transportation Demand Management Plan (TDM) for parking reductions and for Primary, Secondary and Employment Growth areas. This guideline helps to ensure that sustainable modes of transportation are encouraged as TDMs evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours, unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. The applicant provided a Traffic Impact Study which considered and included TDM strategies.

In accordance with guideline 3.8, development proposals are encouraged to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) or Maintain 75 per cent of healthy mature trees greater than 20 cm DBH. Tree preservation requirements are to be determined by Official Plan urban forestry policies. As part of the application submission, the applicant provided an Arborist Report, Tree Protection Plan and Landscape Concept Plans. As previously mentioned, although Urban Forestry staff have indicated concerns with the removal of tree number 708, planning staff are of the opinion that replacement and compensation for the removal of existing trees is appropriate.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. Similarly, in accordance with guideline 4.3, development proposals are encouraged to minimize impervious surfaces and stormwater runoff with Low Impact Development (LID) measures, such as:

- permeable pavements;

- bioswales;
- infiltration trenches/bioretention areas;
- rain gardens;
- draining roofs to pervious areas, and;
- other innovative stormwater management strategies

This guideline helps to ensure Low Impact Development strategies mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. As part of the application submission, the applicant provided a Functional Servicing and Storm Water Management Report to acknowledge a level one enhanced stormwater treatment for all stormwater runoff. Development Engineering staff reviewed the submitted materials and have indicated no objection to the applications provided that a holding provision be included under the amending by-law for a revised Functional Servicing and Stormwater Management Design Report.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. As previously described, the proposed development provides for landscaped areas which help to the reduce potential urban heat island effects including majority of the proposed landscaping along Plains Road East as well as all the property lines in the form of a landscape buffer to screen the adjacent low-rise residential uses and landscape areas.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional neighborhoods recycling and composting treats waste as a resource and reduces the need for landfill expansion. Halton Region staff have reviewed the submitted materials and have indicated that the residential portion of the proposed development is eligible for Regional waste collection, subject to conformity with the Region's Development Design Guidelines for Source Separation of Solid Waste which is to be demonstrated through the submission of a Waste Management Plan at the Site Plan stage.

Staff is of the opinion the proposed development as modified meets the intent of the required Sustainable Building and Development Guidelines, therefore the development considers the City of Burlington Climate Action Plan to support the City's climate implications.

8.0 Shadow Study Guidelines and Terms of Reference (2020)

The purpose of the Shadow Study Guidelines is to provide a best practices approach to Shadow Studies to promote high-quality development proposals that ensure adequate access to sunlight is maintained for the enjoyment of public and private spaces alike throughout the city. The Shadow Study Guidelines indicate that a Shadow Study is required for development proposals with building heights of 5-storeys or more and in some cases when additional building height is requested and when a proposal is in close proximity to shadow sensitive uses, a Shadow study was therefore submitted with the subject applications.

In accordance with Section 4.2, 4.4 and 4.5, shadows cast by all existing buildings and proposed developments onto Key Civic and Cultural Spaces, lands designated or used for Parks and Open Spaces and places where children play including but not limited to school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City, must be analyzed in the study. Given none of these spaces are located within the test area, or area within the shadow catchment of the proposal, these spaces are not shown to be affected.

In accordance with Section 4.3, to maximize the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas, shadows from proposed developments should not exceed 2 hours in duration, between 9:00am and 6:00pm on March 21st. Additionally, the criterion is met if the Sun Access Factor (SAF) is at least 0.22 on the test dates. Through the submitted Shadow Study and additional Shadow Study information as requested by Planning staff, a test date of March 21st between the times of 9:00am and 6:00pm hours was analyzed for shadow impact on private outdoor amenity spaces generated by the proposed development onto surrounding properties. It was observed that the proposed development does not cast shadows on the rear yards of private residential properties for more than 2 hours in duration except for the rear yard of two properties directly abutting the subject lands, including 212 Plains Road East which shadows cast mainly on paved parking space for approximately 4 hours and 218 Plains Road East which shadow cast mainly on the rear yard of two (2) townhouse units for approximately 3 hours. Through the additional information submitted, the applicant confirmed that the SAF is calculated to be approximately 0.5 for these times exceeding the minimum desired rate of 0.22. Planning staff are therefore of the opinion that the shadow impacts to the private outdoor amenity areas are minor due to the duration and locations of the cast and overall meet the Shadow Study criteria.

In accordance with Section 4.6, shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either full sunlight 50 per cent of the time or 50 per cent sun coverage at all times between 9:00am and 6:00pm on March 21st, the criterion is met if the SAF is at least 0.50 on the test date. As per the submitted Shadow

Study, on March 21st shadows cast on Plains Road East and onto the properties on the opposite side of Plains Road East at 9:00am and 10:00am for a SAF higher than 0.5. Additionally, shadows from the proposed development at the identified times and across Plains Road East, cast only onto the parking spaces of the mixed-use properties.

Staff are therefore of the opinion that the proposed development continues to maintain the purpose and intent of the Shadow Study Guidelines.

9.0 Pedestrian Level Wind Study Guidelines and Terms of Reference (2020)

Pedestrian Level Wind Studies ('Wind Study') are conducted to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions to ensure pedestrian comfort and safety is maintained. In accordance with Section 2.1 of the guidelines, development proposals with building heights of 5- to 11-storeys are required to submit a Qualitative Wind Assessment. Given the proposed development consists of a seven (7) storey mixed use building, the applicant was required to submit a 'Qualitative Wind Assessment'.

In accordance with Section 4.2 of the guidelines, the study defines five comfort categories with a Gust Equivalent Mean (GEM) wind speed for each as follows:

1. Sitting – wind speed below 10 km/h (i.e. 0 – 10 km/h) would be considered acceptable for sedentary activities, including sitting.
2. Standing – wind speed below 14 km/h (i.e. 10 km/h – 14 km/h) is acceptable for activities such as standing.
3. Leisurely Walking – wind speed below 17 km/h (i.e. 14 km/h – 17 km/h) is acceptable for activities such as strolling.
4. Fast Walking – wind speed below 20 km/h (i.e. 17 km/h – 20 km/h) is acceptable for walking or more vigorous activities.
5. Uncomfortable – wind speed over 20 km/h is classified as uncomfortable from a pedestrian comfort standpoint. Brisk walking and exercise, such as jogging, would be acceptable for moderate excesses of this criterion.

The GEM should be evaluated as a comparison between the existing wind condition and the wind condition resulting from the proposed development. A criterion is met if the predicted wind speeds and frequencies occur at least four out of five days below the respective threshold.

The submitted Wind Study identifies that out of the five comfort categories, with the addition of the proposed project, the proposed development results in winds at-grade which remain at sitting and standing levels during the summer, and generally at leisure walking and standing levels during the winter with isolated areas of fast walking levels at

the rear of the site where the loading space is proposed as well at the north-east corner of the site along Plains Road.

At the proposed rooftop outdoor amenity space, the development is expected to provide wind conditions suitable for standing during the summer months. In the winter, wind conditions are more variable, ranging from standing to leisure walking and fast walking. The outdoor rooftop areas facing Plains Road are anticipated to experience mainly fast walking conditions, with some areas suitable for leisure walking, while the rear portions facing the neighbouring properties are expected to experience primarily leisure walking and standing conditions. The proposed rooftop outdoor amenity space includes modular planters along the perimeter of the storey, particularly in areas where higher wind speeds are anticipated, as well as seating elements that may help improve user comfort. In addition, further wind mitigation measures may be explored and refined through the future Site Plan application process, as appropriate.

Staff are therefore of the opinion that the proposed development as modified continues to maintain the purpose and intent of the Pedestrian Level Wind Study Guidelines and Terms of Reference.

10.0 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019)

The City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings are applicable across the City, wherever mid-rise building forms are permitted by the Official Plan and Zoning Bylaw (with the exception of Employment Lands), and for the purposes of the guidelines, include any buildings between 5 to 11-storeys in height.

The guidelines are grouped by the main components of a mid-rise building, including the Lower and Upper building. The Lower building represents the first few storeys, including the ground floor and any additional floors with direct relationship to the street and public realm. Generally, this would include those storeys forming the streetwall and not those stepped back from the streetwall. The Upper building is that portion of a mid-rise building above the Lower building, designed to fit with and achieve an appropriate relationship with the Lower building, the public realm, and neighbouring properties. Additionally, all street facing building façades should be divided into three horizontal parts: a bottom, middle, and top to organize a complete façade expression and be arranged in a way that ensures harmonious proportion.

2.1 Building Placement

1. *In general, buildings should be placed parallel to streets or public open spaces (within or along the edge of the site) to frame and define these spaces. This will also increase the amount of private open space behind the building and separation from neighbouring properties.*
2. *Consider the building's orientation to maximize south-facing walls for optimal access to sunlight to habitable rooms and other environmental benefits such as*

energy conservation, solar access to open spaces or areas for stormwater management and planting.

- 3. Placement should consider existing site conditions and look to retain and enhance certain features as assets such as mature trees and topography.*
- 6. Where there is no consistent pattern of street setbacks, the building should be set back to create a boulevard that can accommodate wider sidewalks, street trees, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk. On streets where commercial or retail uses are required at the ground floor level, a minimum 6.0 metre boulevard is preferred, except where existing conditions preclude. The intent is that a road widening will not be required to specifically achieve this guideline.*
- 8. All buildings should have a public front ('face') and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impacts such as "back of house" activities on adjacent properties.*

The subject lands are located along Plains Road, with the building's principal façade oriented toward this corridor. This arrangement establishes a clear public frontage while creating a more private rear condition that accommodates outdoor amenity space and provides appropriate separation from the abutting residential properties to the south.

Although a continuous streetwall has not yet been established along Plains Road, its implementation is desirable to support the long-term vision for the corridor, including a consistent streetscape and active at-grade retail and service commercial uses. The proposed building has also been strategically positioned to minimize shadow impacts, with most shadows casting onto Plains Road at acceptable levels while maximizing access to natural sunlight for the proposed outdoor amenity areas, including the at-grade and rooftop amenity spaces.

The proposed development provides a 3.0 m front yard setback from the Plains Road East property line for the 1st through 6th storeys. This setback is reflected in the proposed amending zoning by-law as the minimum required front yard. In addition, the development contributes to an approximately 12.7 m wide streetscape between the curb and the property line, resulting in a combined boulevard width of approximately 15.7 m along Plains Road. This generous public realm is intended to accommodate pedestrian movement, street trees, landscaping, and active at-grade uses. As noted previously, the site design taken into consideration existing site conditions, including the retention of mature trees where feasible and consideration of the site's topography.

2.2 Building Separation & Spacing

- 1. In general, taller buildings should provide greater separation distances. Separation distances should generally range between 15.0-20.0 metres.*

2. *Where windows are proposed within the lower building, a minimum separation distance of 15.0 metres should be provided between adjacent buildings.*
3. *Where a continuous streetwall is desirable, side-yard setbacks are usually not required. Continuous streetwalls are generally desirable within areas designated for mixed use, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.*

Mid-rise buildings typically range from 5 to 11 storeys. Given the proposed development is of 7 storeys, it represents the lower end of the mid-rise building typology. The intent of the 15 m separation distance between buildings with facing windows is to protect privacy for residential units and minimize overlook.

As previously noted in Report DGM-45-26, the subject lands abut the residential properties at 212 and 218 Plains Road East along the northeast property line, and 198 Plains Road East along the southwest property line. The proposed building will be separated by approximately 10 m from the existing 2-storey detached dwelling at 212 Plains Road East, 9.3 m from the existing 2-storey townhouses at 218 Plains Road East, and 14 m from the existing 2-storey detached dwelling at 198 Plains Road East. The properties at 218 Plains Road East primarily interface with the rear portion of the subject lands, where the proposed parking area and outdoor amenity space are located.

The proposed building includes windows on the northeast and southwest elevations from the second storey upwards, with terraces located at the 6th and 7th storeys. These elevations do not include balconies, therefore, this reduces impacts of direct overlook into adjacent residential properties. Given the location of the windows, the absence of balconies on the side elevations, and the separation distances provided, staff is satisfied that the proposal ensures privacy and provides an appropriate separation with the neighbouring residential uses.

Similarly, the 1 and 2-storey buildings to the rear of the subject lands at 958 and 960 Filman Place include a separation of approximately 40 m. In addition, angular plane study submitted from the rear property line, in accordance with Section 3.1(3) of the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings. As discussed later in this report, the proposed development satisfies the intent of the angular plane provisions, which are intended to reduce overlook and maintain an appropriate transition to adjacent residential properties.

Additionally, while a continuous mid-rise streetwall has not yet been established along this portion of Plains Road East, it remains a desirable long-term planning objective. Staff is therefore of the opinion that the proposed development achieves an appropriate balance between maintaining the planned built form along the corridor and providing sufficient separation to adjacent residential properties to mitigate privacy impacts.

2.3 Built Form: Height & Massing

1. *When deciding on lower building height and massing consider the following:*
 - *the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
 - *the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;*
 - *the views into, out of, and through the site;*
 - *the potential shadowing impacts on neighbouring properties and adjacent public spaces – taller elements should be arranged accordingly;*
 - *the micro-climate (particularly pedestrian level wind impacts created by wind); and*
 - *the relationship of the building height to building depth and lot width. Use site characteristics such as width (narrow or wide), depth (deep or shallow) and number of frontages to inform an appropriate built form*
2. *Design buildings so that the massing reinforces the street edge.*
3. *In general, a building's form should reflect the existing and planned context in terms of street character (including the planned street function and right-of-way width), land use, and built form.*
5. *Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a humanscale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.*

As previously mentioned, the proposed development includes amendments to both the existing zoning and Official Plan designations for increased heights. The current Official Plan (1997, as amended) policies for 'Residential – Medium Density' permits for building heights up to 2 storeys and the envisioned Official Plan (2020, as amended) for heights ranging between 2 and 6-storeys. Similarly, the existing RM2-119 zone permits a maximum height of 2-storeys and the existing RM1-346 zone permits a maximum height of 2 and a half storeys. The proposed development proposes a building of 7-storeys.

Plains Road East does not currently have an established streetwall and has a deemed width right-of-way of 36m. Therefore, the maximum building height of the lower portion or podium along Plains Road East should be limited to approximately 28.8m. Plains Road East is intended to host mix use buildings with mid-rise built forms with gradually taller buildings towards the Aldershot GO station. The intent of regulating maximum heights for the lower portion of mid-rise buildings is to achieve human scale and pedestrian feel along the streetscape. The proposed lower building portion includes step-backs along the

northeast and southwest property lines at the 6-storey to accommodate private terraces as well as at the Plains Road East and rear property lines at the 7th storey to accommodate common outdoor amenity space. The overall building height is 26.5 m.

As previously discussed, the proposed development is in accordance with the Shadow Study Guidelines and Terms of Reference as well as the Pedestrian Level Wind Study Guidelines and Terms of References which consider the size of shadows and wind impact onsite and onto the surrounding streetscape.

As a result, staff is of the opinion that the proposed height and massing is appropriate and continues to meet the intent of the guidelines mentioned.

- 6. In general, the building should not exceed a length of 60.0 metres apart from L-shaped building forms. Longer buildings, approaching and exceeding 60.0 metres, should either be broken up physically or visually using architectural and design elements that sufficiently differentiate the building mass to appear as separate building forms. This should include step-backs, colour and material variations, and unique building articulation*
- 7. Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.*
- 8. Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.*
- 10. Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.*

The proposed building is approximately 45.5m in length from east to west given the lot configuration. The proposed building design includes a broken up built form by way of inset main entrances along the middle portion of the building façade along Plains Road. As previously mentioned, the proposed building includes step-backs at the 6th and 7th storeys for the provision of amenity space. These have been included under the amending by-law by way of minimum yards to building walls. Balconies are also inset into the building elevations and do not encroach into the streetwall. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 12. The height and massing of the building should ensure a minimum of five hours of consecutive sunlight on the sidewalk across the street at the spring and fall equinoxes (approximately March 21 and September 21, respectively).*

As previously discussed, the proposed development meets the intent of the Shadow Study Guidelines and Terms of Reference.

2.4 Street Level Design, Façade Articulation & Materials

2. *Where ground floor commercial / retail uses are required, the ground floor should be a minimum floor-to-floor height of 4.5 metres to accommodate internal servicing and loading areas, and active uses.*
8. *Use architectural elements and expressions such as canopies, doors, windows to highlight individual units, differentiate between residential and nonresidential entrances in mixed-use buildings, and engage the street.*
9. *Design the main entrance to be clearly distinguishable from other entrances through its architectural design and treatment, high visibility, wayfinding and direct pedestrian access.*
10. *Ensure that all main entrances are barrier free from the public sidewalk and on-site parking areas. Level access is preferred, where possible.*
11. *Emphasize grade-related entrances with high quality landscape design.*
14. *The main building entrance should be designed to be pedestrian- and cycle-friendly with convenient, well-lit, and safe access. The main entrance should also provide for shelter from wind and rain through well integrated weather protection elements such as canopies, extended eaves and overhangs. Canopies should be located above the ground floor and provide a width of at least 1.5 metres.*
15. *The location of building entrances should consider the location of adjacent transit stops.*

The first storey features a minimum height of 5.8 m and incorporates recessed building walls of approximately 1.7m in width along Plains Road East, creating weather-protected entrances. The proposed development provides multiple grade-related entrances, including one (1) primary residential entrance along the middle of the building with distinct design features and four (4) commercial entrances fronting onto Plains Road East. In addition, four (4) additional grade-related entrances are provided along the sides of the building, enhancing accessibility and pedestrian connectivity to the public realm.

Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

2.5 Site Design, Open Space & Streetscaping

1. *All access points to the site should be located and designed to respond to the street and existing mobility networks beyond the site.*
2. *Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.*
3. *Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.*
4. *Access to parking, servicing and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from*

secondary streets provided the entrance facilities are well integrated into the rest of the frontage.

- 6. Servicing and loading should be accommodated internally within the building.*
- 7. Recess and screen garage doors and service openings from public view*
- 8. Limit the extent of site area dedicated to servicing by using shared infrastructure and efficient layouts.*

The proposed development has been designed to incorporate multi-modal movement and therefore will support existing local and regional transit services within walking distance, through the provision of high-density development and improved pedestrian connections. The proposed development will result in a more pedestrian-oriented street along Plains Road East by way of a well-connected and enhance the public realm.

The proposed at grade parking, underground parking access ramp, servicing and loading dock at the rear of the site are proposed to be screened from the adjacent uses by way of proposed landscape buffers and landscape areas. Loading spaces are also proposed hidden from Plains Road East as it is located at the rear of the proposed building as well as away from adjacent uses, approximately 4 m from the south-east property line and screened by landscaped areas and required fencing. Vehicular access to these areas located at the rear of the proposal has been incorporated via a 7 m driveway access point along Plains Road East.

Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 9. Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.*
- 10. Underground parking structures should not encroach into required landscape buffers to ensure the long-term viability of mature trees and vegetation. Where underground parking structures must unavoidably encroach beyond the building footprint or into a landscape buffer, provide a minimum depth of 1.0 metre of uncompacted soil below grade to support opportunities for tree planting and other landscaping along the streetscape.*
- 11. Where parking is provided within an above ground structure, it should be wrapped with retail / commercial or residential units along the street frontage.*
- 12. Surface parking should be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view. Whenever possible, provide visitor parking in a convenient underground parking area adjacent to an elevator.*
- 13. Any surface parking areas visible from the street should be buffered and screened with high quality architectural elements, setbacks or landscaping. On larger sites with surface parking areas, incorporate landscaped islands and high-quality*

landscaping to create comfortable and safe pedestrian walkways and amenity areas.

- 14. Provide for safe pedestrian and cyclist access to underground parking by using clearly visible, well-lit, convenient, and easily accessible access points from the street. Signage should indicate the barrier free path of travel.*

The majority of residential parking is proposed underground with some residential parking at grade. The proposed at grade parking, underground parking access ramp, servicing and loading dock at the rear of the site are proposed to be screened from neighbouring uses through the use of required fencing and landscaped buffers and areas. The proposed underground parking structure does not encroach into the proposed landscape buffers and landscape areas ensuring the future long-term viability of trees and vegetation. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 15. In general, maximize outdoor amenity areas at grade. The width to depth proportion of this area should not exceed 4:1 and it should be provided in one contiguous area to ensure the space is functional.*

- 16. When outdoor amenity area is provided at grade, design it to:*

- be in a highly visible area to enhance the sense and perceptions of personal safety and minimize potential for crime and vandalism through natural surveillance;
- have consideration for micro-climatic conditions such as access to sky-views and sunlight as well as shade in the summer;
- be animated and framed by buildings with active uses such as at grade cafés;
- include multiple activities and functions such as a play area, dog run, seating, shade structure, or water features;
- incorporate high-quality landscaping to define areas and screen them from surface parking, mechanical equipment and other servicing areas to minimize noise and air quality impacts; and
- where possible connect to abutting open spaces

- 18. Common outdoor amenity areas should be located next to interior amenity facilities with direct physical and visual access between these spaces through doors and windows.*

- 19. All common outdoor amenity areas should apply the principles of universal design and must comply with the City's Accessible Design Standards.*

- 20. The roof of a lower building can be landscaped and used as common and private outdoor amenity area for the residents of a development. Where possible utilize*

building rooftops as green roofs and/or usable private and shared outdoor amenity areas such as gardens.

- 21. Locate private outdoor amenity areas for family-sized units so that they have views and access to outdoor play areas, where possible.*
- 24. Locate all utilities within the building, at the back of the building (rear yard) or underground. When not located within the building or underground, ensure these elements are away from public view, organized neatly in discreet areas, and screened with high-quality architectural elements and landscape design. Options include recessing into the building façade, fencing, screening with landscaping or low walls.*
- 28. Design outdoor bicycle parking areas to be consistent with the overall building and landscape design.*

As previously mentioned, the proposed development includes an appropriate amount and location of indoor and outdoor amenity space as well as landscaping. The main functional common amenity space on site includes the proposed outdoor patio at the rear of the site consisting of landscape buffer and paved patio as well as the rooftop outdoor terrace with areas for seating and leisure. Additionally, utility infrastructure such as the proposed transformer is proposed at the rear of the property and will be appropriately screened to minimize visual impacts. Planning staff are of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 29. All mid-rise developments should respect and be sensitive to cultural heritage resources including on-site resources and/or neighbouring resources.*
- 33. When a proposed mid-rise building is near a heritage property it should be designed to respect the materials, proportions, scale, setbacks, topography and views of the historic context.*

As previously mentioned, Heritage Planning staff have reviewed the proposed development, including its potential impacts on the adjacent listed heritage property, and have raised no concerns.

3.1 Built Form: Transitions

- 1. When deciding on overall and upper building height and massing consider the following:*
 - the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
 - the physical character of the surrounding area including the height and scale of adjacent buildings; and*
 - the potential shadowing and pedestrian level wind impacts on neighbouring properties and private and public open spaces – taller elements should be arranged accordingly.*

2. *Where the building fronts a street, step-back the upper floors a minimum of 3.0 metres above the streetwall to protect access to sunlight and sky view for streets while limiting shadowing.*
3. *Where the building is on a site that is transitioning to a low-rise residential neighbourhood area (including properties designated Residential – Low Density and – Medium Density) a 45-degree angular plane should be applied from the shared property line. The building form should fit entirely within this angular plane and utilize setbacks and step-backs to ensure any impacts related to the change in height, overlook, and shadowing, and pedestrian level wind impacts are mitigated.*
5. *Above the streetwall, or the sixth storey for taller buildings, a minimum building separation distance of 20.0 metres should be provided to reduce impacts such as overlook and shadowing.*
6. *Design the upper building to clearly distinguish it from the lower building and to further reduce the upper level building massing. This should include step-backs, colour and material variations, and unique articulation.*
7. *The design and placement of upper storeys should be carefully considered to minimize the size of shadows on neighbouring properties. A shadow study should be provided with mid-rise building applications in compliance with the Shadow Study Guidelines and Terms of Reference.*

Similarly to the previously analysis of the proposed building height and massing, staff is of the opinion that the proposed upper building portion meets the intent of the Zoning By-law and Official Plan. The proposed building includes step-backs along the side property lines at the 6th storey to differentiate the upper and lower portions of the proposed building. Staff are of the opinion that given the building layout, including stepbacks, would not negatively impact access to sunlight and sky view for the public realm. Additionally, as previously mentioned, the proposed building meets the general intent of the submitted Pedestrian Level Wind and Shadow Study Guidelines.

The subject lands abut properties along the side lot lines that are envisioned to be designated 'Urban Corridor' and properties along the rear lot line that are envisioned to be designated Low-Rise Neighbourhoods II under the Official Plan (2020, as amended). Accordingly, as part of the application submission, the applicant provided a 45-degree Angular Plane analysis measured from the fixed grade at the rear lot line. Planning staff are satisfied that the proposed building complies with the 45-degree Angular Plane requirement and adequately demonstrates that potential overlook impacts on the abutting rear properties have been appropriately mitigated. In addition, the proposed building envelope has been secured through the implementing Zoning By-law by establishing appropriate minimum yards. Staff are of the opinion that the proposed development continues to conform to the intent of the applicable guidelines.

Upper Façade / Roof Design, Articulation & Materials

3. *Use architectural elements and expressions such as balconies, windows, and recesses and projections to highlight individual units and reinforce a variety of scales and textures within each component of the building.*
4. *Balconies are encouraged within the upper building to provide private outdoor amenity areas and additional articulation. They may be inset or project but should have a minimum depth of 1.5 metres to provide functional space. Generally, balconies should be sized according to the number of residents the unit is intended to house.*
5. *Balconies and other projections should be contained within all angular planes and setbacks and shall not protrude into the public realm (over sidewalks).*
6. *Design the building top to clearly distinguish it from the lower portions and to further reduce the building massing. This should include additional physical building setbacks, stepbacks, colour and material variations, and unique articulation.*

As previously mentioned, all balconies proposed do not project beyond the building wall below and inset approximately 1.6 m with a total area ranging between 3.9 m² to 4.5m². Staff are of the opinion that the proposed development continues to meet the intent of the guidelines mentioned.

7. *Building tops and mechanical equipment should be designed to integrate with the overall architectural expression of the building.*
8. *Where possible, rooftop amenity areas are recommended to create activity at the upper storeys of the building and be appropriately set back from the roof edge.*
10. *Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm.*
11. *Where possible, rooftop mechanical equipment should be wrapped by residential units, or other occupiable space such as outdoor amenity areas.*
12. *Rooftop mechanical equipment should be set back, on all sides, no less than 3.0 metres from the edge of the floor below, and where an angular plane applies, fit within all angular planes.*

The proposed development includes a 7th storey outdoor amenity space which wraps around the proposed mechanical uses. The outdoor rooftop terrace is approximately 586 m² in size. The building portion of the 7th storey is step-back approximately 9.7 m from the edge of the floor below along the front yard as well as 6.9 m from the edge of the floor below along the rear. Staff are of the opinion that the proposed development continues to meet the intent of the guidelines mentioned.

As per the analysis provided, staff is of the opinion the proposed development as modified meets the overall objectives and guidelines of the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings.

11.0 Plains Road Corridor Urban Design Guidelines (2006)

The purpose of the Plains Road Corridor Urban Design Study is to refine the vision that the Plains Road Village Vision had been advocating and to create design guidelines to assist the City to direct future redevelopment of the roadway and adjacent lands. Plains Road has evolved from its original function as a toll road, to a Provincial Highway, to its present role as a municipal major arterial road.

The subject property is located within the Shadeland District which is defined as the segment of the Plains Road corridor between Cooke Boulevard and Filmandale Road. This District is characterized by an eclectic mix of land uses on the north side of the corridor and primarily residential and home office uses on the south side. Urban design objective should concentrate on consolidating and infilling commercial/industrial uses and preserving and enhancing the residential and home commercial uses. Mature boulevard shade trees and existing landscaping along the corridor should be protected. The underutilized sites at Cooke Boulevards and Plains Road could be redeveloped to provide an improved gateway/entry point to the industrial park. Redevelopment should capitalize on the attractive landscaping along Cooke Boulevard. At-grade parking along the frontage of commercial properties should be screened with low growing vegetation to improve the appearance of the corridor. Furthermore, the design guidelines under Section 5.2.5.2, indicate that existing street trees should be retained and interplanted with new trees spaced at 8 metres to “green” the corridor and to assist in traffic calming. Recommended species include Oak, Maple, and Ash. The landscape treatment on private property should be harmonious with the existing character of the streetscape and should reflect and complement the existing residential properties.

The proposed development provides for a mix of uses including approximately 183 m² of new ground floor retail and service commercial as well as 66 new residential units in the storeys above which provides for the envisioned uses under the guidelines. The proposed development is also contingent upon the removal of municipal tree 708 to facilitate the proposed development, as previously mentioned, planning staff is recommending approval of the proposed development inclusive of the removal of this tree. Furthermore, planning staff is also of the opinion that the requested consent letter to injure or remove neighbouring trees can be appropriately addressed as part of the subsequent Site Plan application process. Planning Staff are therefore of the opinion that the proposal as modified meets the objectives and intent of the Plains Road Design Guidelines (2006).

Statutory Public Meeting & Recommendation Report

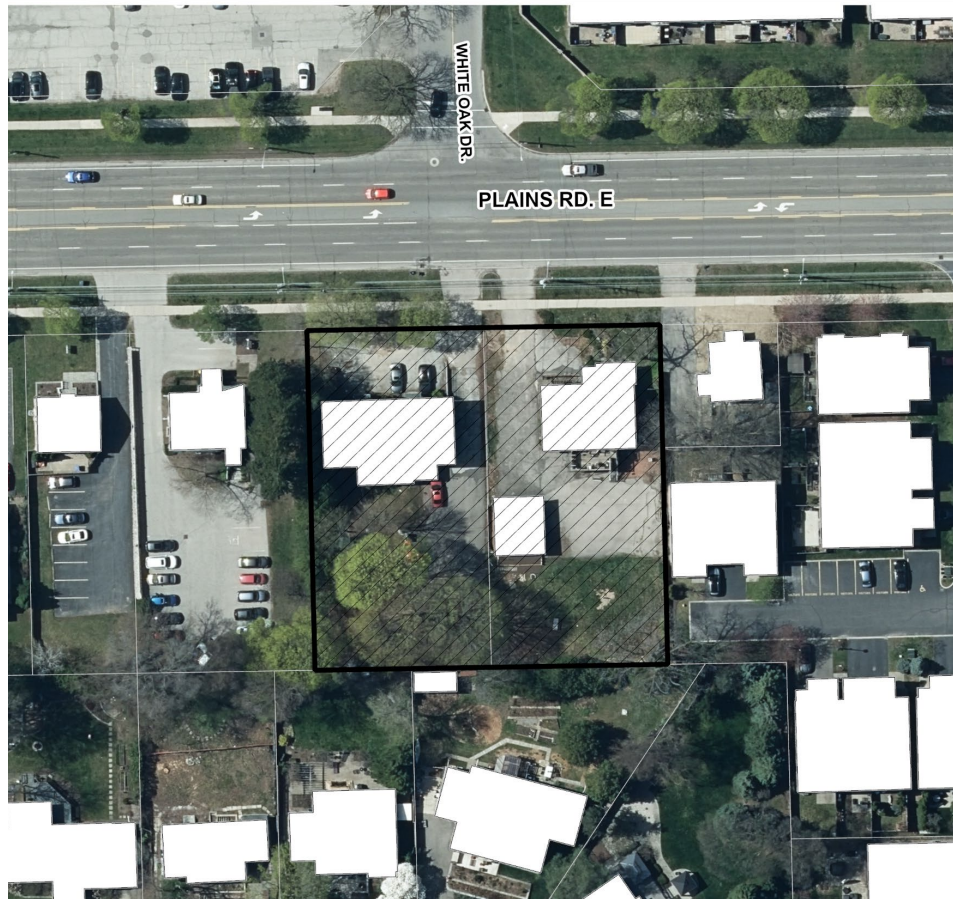
Application for Official Plan and Zoning By-law Amendment

Applicant: Landwise
Addresses: 198-206 Plains Road East
Ward: 1
File: 505-05/26 and 520-05/26
Date: July 7, 2026
Report: DGM-45-26

Overview of Development Site

 SUBJECT PROPERTY

File No. 505-05/26
& 520-05/26



Application History

- Pre-Application Community Meeting – September 3, 2025
- Application Deemed Complete – April 1, 2026
- Notice of Complete Application and Request for Public Comments – April 14, 2026
- Notice of Statutory Public Meeting and Recommendation Report – June 5, 2026
- Statutory Public Meeting – July 7, 2026

Proposal and Modifications

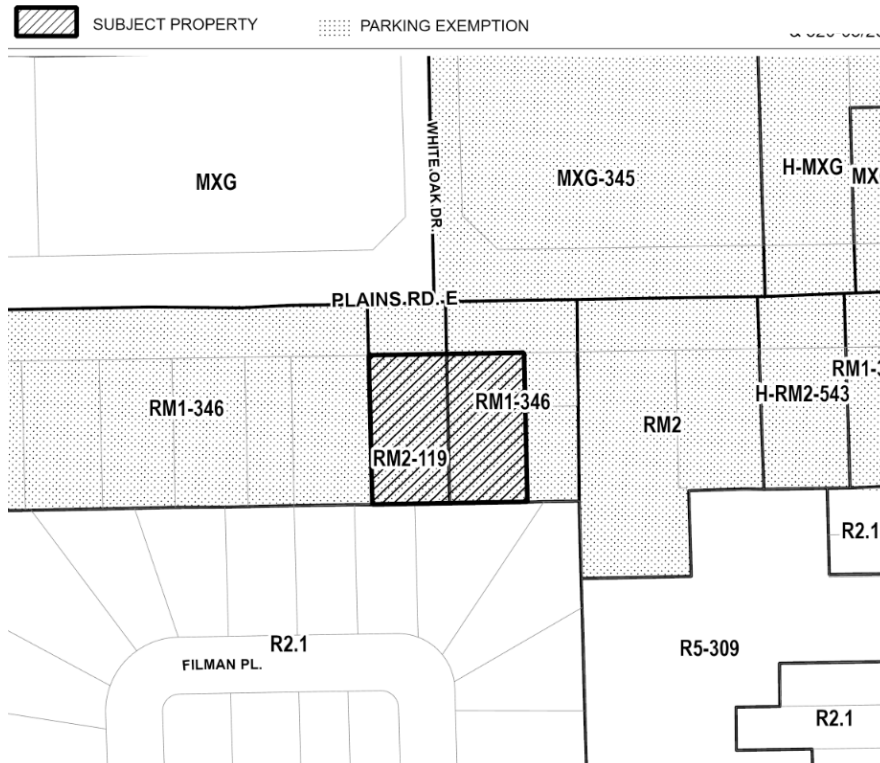


- 7-storey mixed use building:
 - 7th storey outdoor amenity space
 - 66 residential units
 - 183 m² ground floor retail / service commercial
 - Floor Area Ratio (FAR) of 2.4:1
 - 1,638 m² of amenity space (24 m² / unit)
 - 94 vehicle parking spaces
- Staff are recommending modifications to the proposed development:
 - Conservation of the 7 rental units
 - Increased Landscape buffer at the rear

Proposed Official Plan Amendments

- Redesignate the properties to 'Mixed Use Corridor – General' with site specific policies
- Increased maximum building height from the existing 2 to 6 storeys range to 7 storeys
- Increased maximum Floor Area Ratio (FAR) from 1.5:1 to 2.4:1

Proposed Zoning By-law Amendments



Proposed Zoning

- Rezone the existing “RM1-346” and “RM2-119” zones to a “H-MXG-572” zone with site specific amendments and holding provisions

Staff Recommendation

- Approve Official Plan Amendment No.165
- Approve Zoning By-law Amendment 2020.523
- Detailed recommendation in report DGM-45-26

198-200 and 206 Plains Road East, Burlington

Committee of the Whole



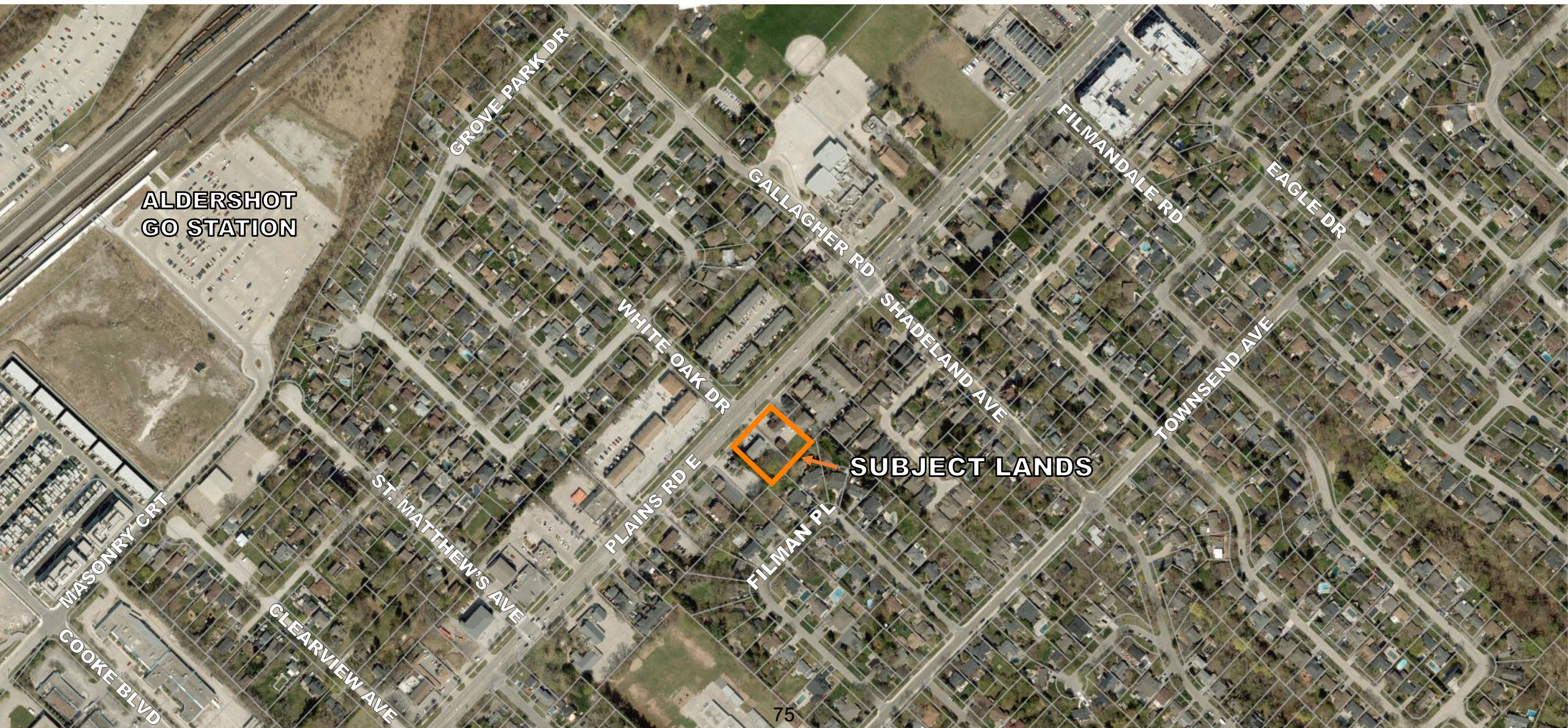
July 7, 2026
City of Burlington

DGM-45-26 COW July 7, 2026
Chloe Simpson delegate
presentation



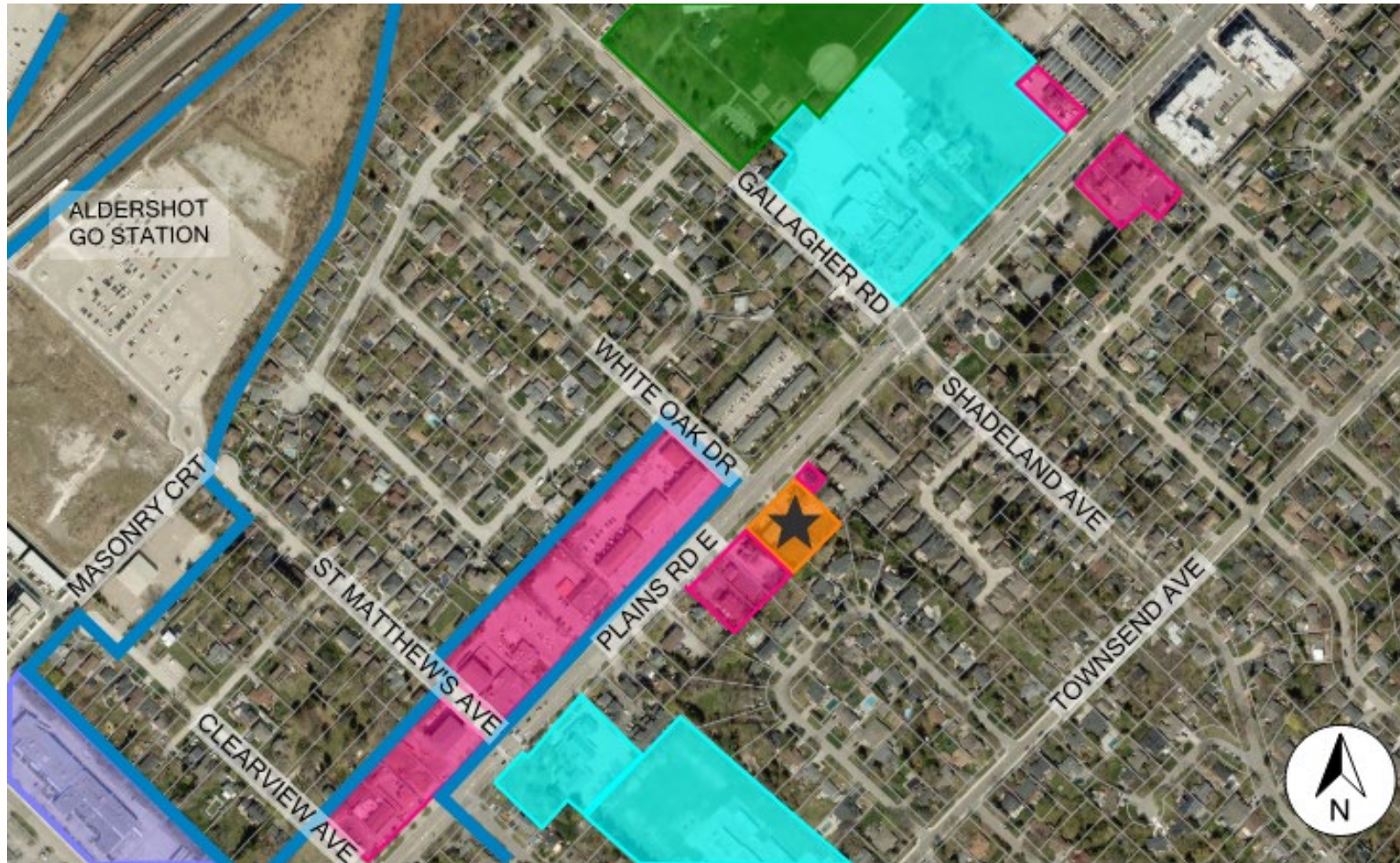


LOCATION





COMMUNITY CONTEXT



-  **SUBJECT LANDS**
198-200, 206 Plains Road East
Burlington, ON
-  Institutional
-  Open Space
-  Commercial
-  Industrial Uses
-  Aldershot Major Transit Station Area

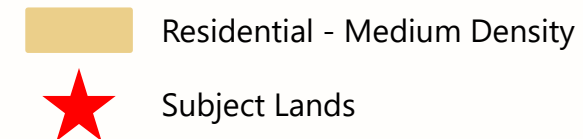


OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

- Burlington Official Plan, 1997
 - Current: *Residential Medium Density*
 - Redesignate to: *Mixed Use Corridor – General*
- City of Burlington Zoning By-law No. 2020
 - Current:
 - *Residential – Medium Density (RM2-119) Zone*
 - *Residential – Medium Density (RM1-346) Zone*
 - Rezone to a new site specific *General Mixed Use (MXG) Zone, Modified*
 - Modifications on building height, side yard setbacks, amenity area landscape buffer abutting a Residential Zone, floor area ratio, loading area
 - Holding Provision



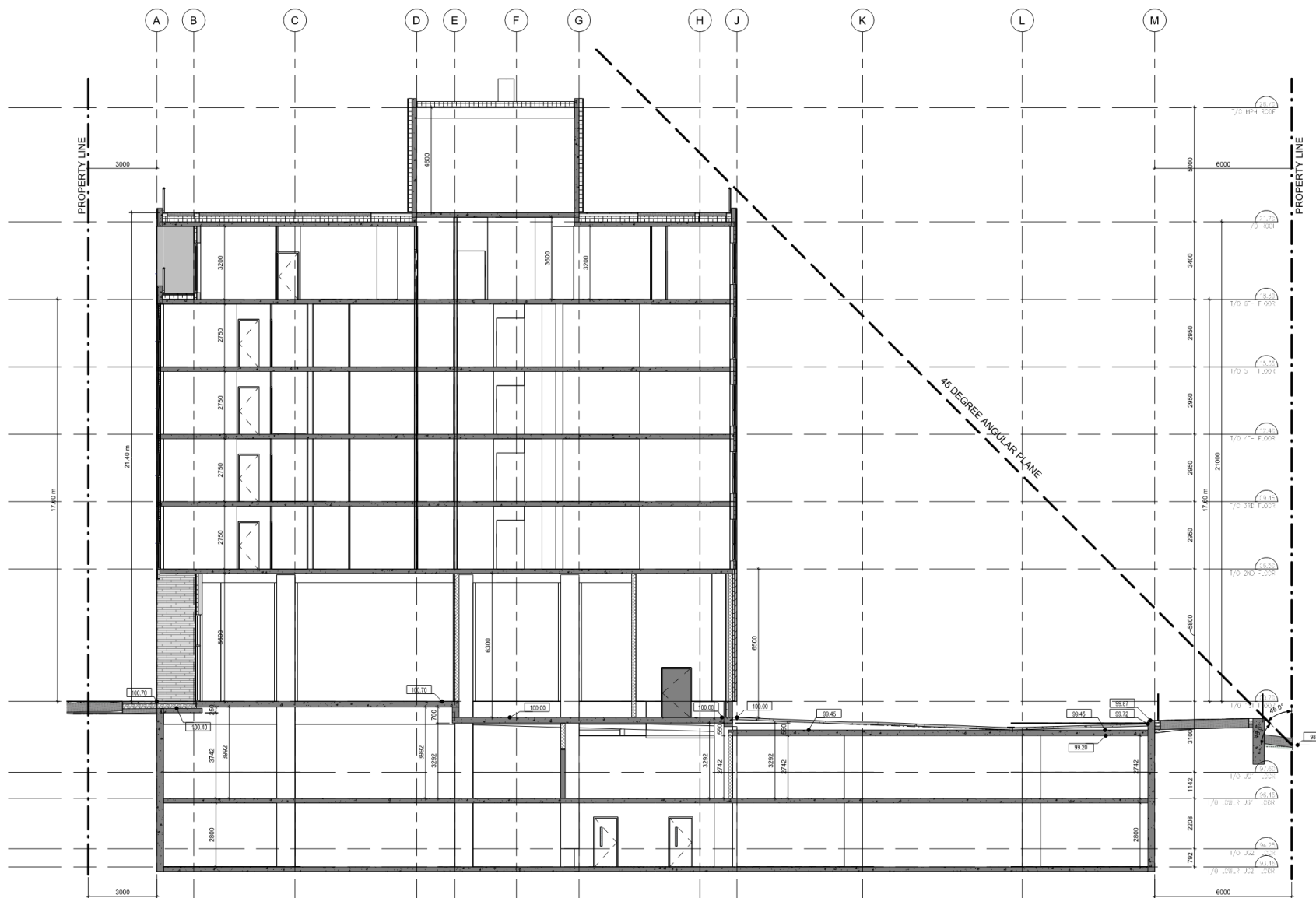
City of Burlington Official Plan 1997







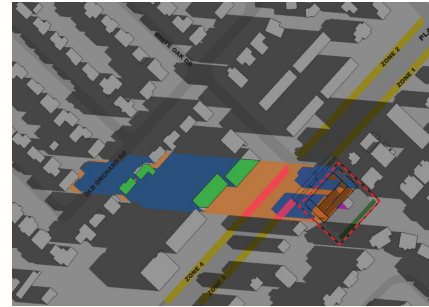
ANGULAR PLANE



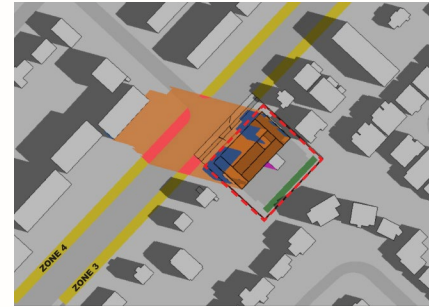


SHADOW STUDY

March 21



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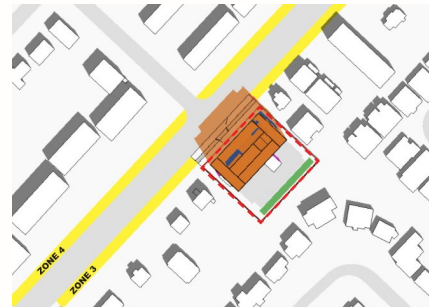
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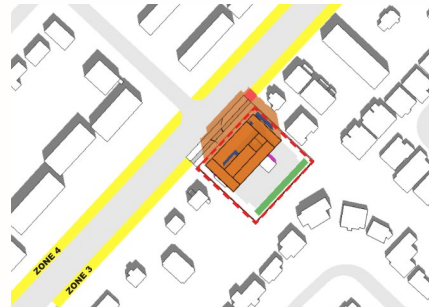
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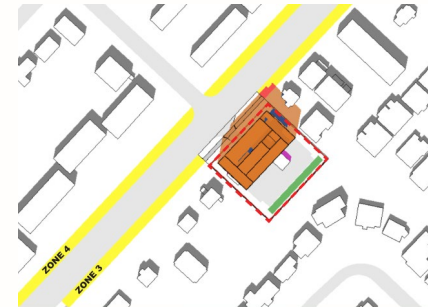
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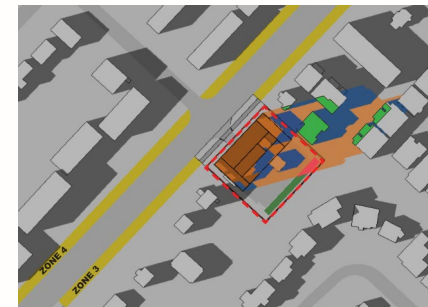
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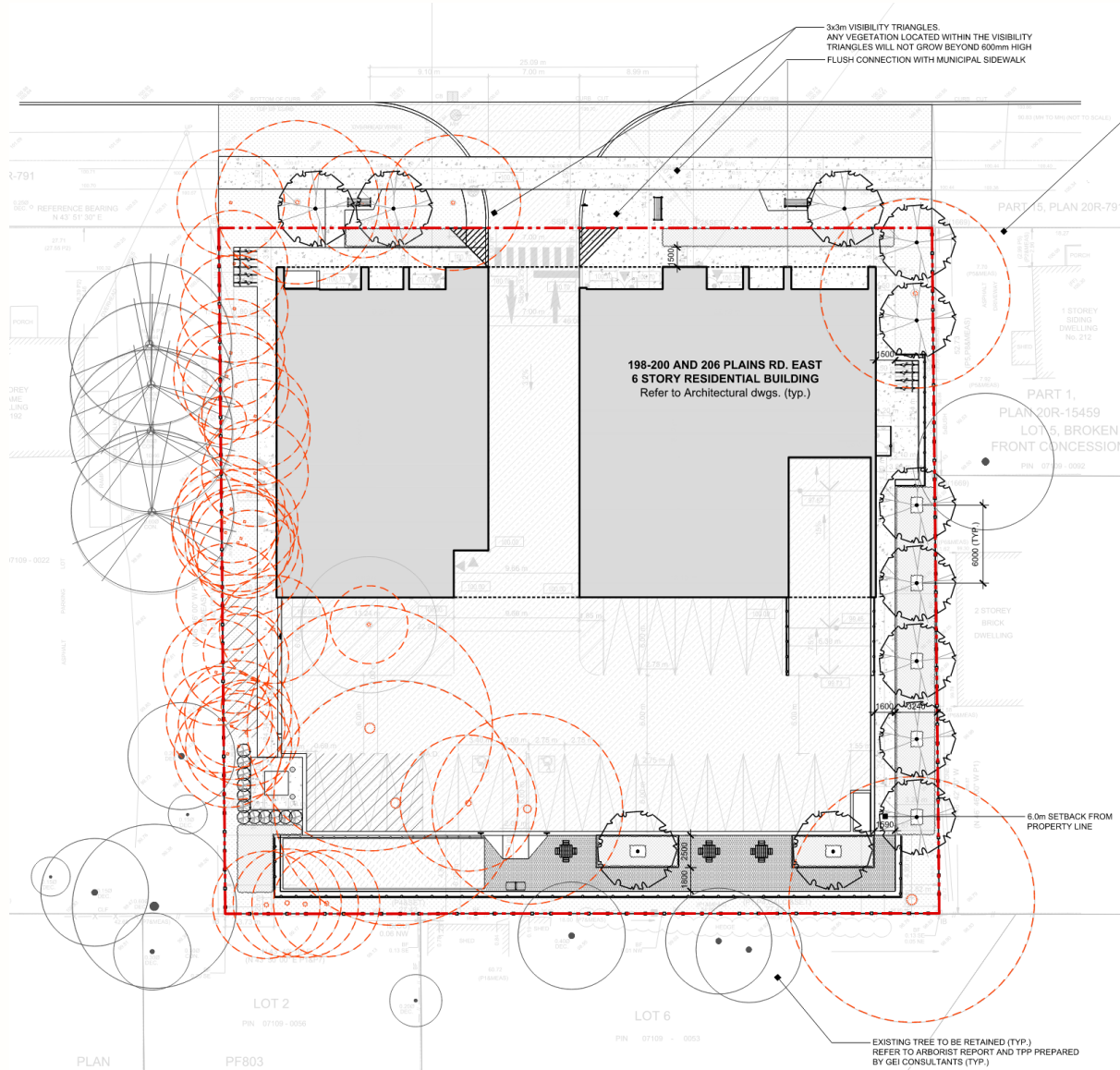
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TREE RETENTION



EXISTING TREES
TO REMAIN

EXISTING TREE
TO BE REMOVED

PROPOSED
DECIDUOUS TREE



PRELIMINARY RENDERINGS – BIRD'S EYE VIEW





PRELIMINARY RENDERINGS – REAR FAÇADE



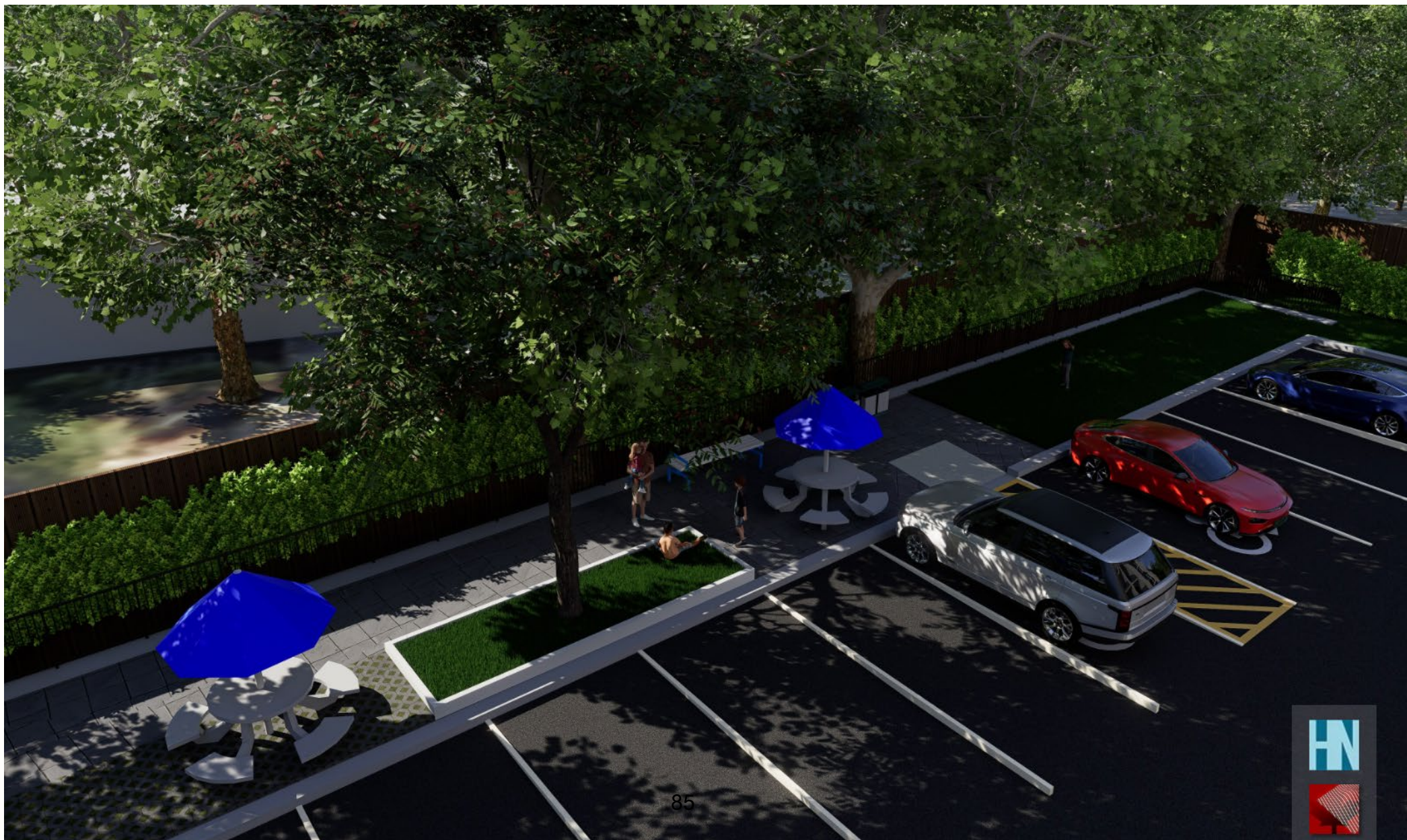


PRELIMINARY RENDERINGS – REAR FAÇADE





PRELIMINARY RENDERINGS – REAR AMENITY





Trusted leaders who plan and design with purpose -
connecting people, places, and possibilities.



The Corporation of the City of Burlington

City of Burlington By-law 2020.524

A by-law to amend Zoning By-law 2020, as amended, and to repeal Zoning By-law 4000-3, as amended, and replace it with Mixed Use, Open Space and Development zones with holding symbols only as it applies to certain lands within 1200 King Rd.
(File Nos. 505-03/26 & 520-04/26)

Whereas Section 34 (1) of the *Planning Act, R.S.O. 1990, c. P. 13*, as amended, states that zoning by-laws may be passed by the councils of local municipalities; and

Whereas the Council of the Corporation of the City of Burlington approved Recommendation DGM-28-26 on July 21, 2026, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a mixed-use community in accordance with draft Official Amendment No. 9, as provided in Appendix D of staff report DGM-28-26; and

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Map No. 3-E, 6-E and 6-W of Part 15 to Zoning By-law 2020, as amended, is further amended by rezoning the lands as shown on Schedule "A" to this By-law.
2. That Zoning By-law 4000-3, as amended, is repealed as it applies to lands identified on Schedule "A" to this By-law.
3. Part 1, General Conditions and Provisions, of Zoning By-law 2020, as amended, is further amended by replacing Subsection 2.21(u)(i) so that it reads:

"Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, MUKR1, MUKR2, MUKR3, MUKR5, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones."

4. Part 1, General Conditions and Provisions, of Zoning By-law 2020, as amended, is further amended by replacing Subsection 2.21(v)(iv) so that it reads:

"An outdoor patio located at least 1.8 m above grade or on the roof of a building is only permitted in the CR, CE, CC1, DC, DW, DL-A, DL-B, DLC, MUKR1, MUKR3,

MUKR4, MUKR5 zones, and is not permitted on lands abutting a DRL, DRM, or URM Zone, any Residential Zone identified in Part – 2 Residential Zones, or any exception numbers associated with these zones, excluding the RO4 and RAL4-493 Zones.”

5. Part 16, Definitions, of Zoning By-law 2020, as amended, is further amended by adding a new defined term “**Arena**” and definition as follows:

“A publicly or privately owned facility with a minimum gross floor area of 10,000m² used primarily for the viewing of live sports or artistic/entertainment related performance, and may include additional programming such as trade shows, conventions, or recreational uses within a MUKR4 zone.”

6. Part 16, Definitions, of Zoning By-law 2020, as amended, is further amended by adding a new defined term “**Campus Facility**” and definition as follows:

“A building or structure providing residential dwelling units, office, entertainment or recreational uses which are exclusively devoted to a permitted College or University (public or private) within a MUKR1, MUKR3 or MUKR5 zone. Dwelling units may or may not provide exclusive kitchen and/or bathroom facilities.”

7. Part 5, Mixed Use Corridor Zones, of Zoning By-law 2020, as amended, is further amended by adding the following new Sections 6, 7, 8, 9, 10, 11, and 12 so that it reads:

The uses permitted in all Residential ‘MUKR’ Zones shall be in accordance with Table 5.6.1:

6. MUKR ZONE PERMITTED USES (KING ROAD COMMUNITY)
--

The uses permitted in all Mixed Use ‘MUKR’ Zones shall be in accordance with Table 5.6.1:

Table 5.6.1

USES	KING ROAD COMMUNITY ZONES				
	MUKR1	MUKR2	MUKR3	MUKR4	MUKR5
Retail Commercial					
Retail uses permitted in a MXC zone	✓		✓	✓ (d)	✓
Farmers’ Market	✓		✓	✓ (d)	✓

USES	KING ROAD COMMUNITY ZONES				
	MUKR1	MUKR2	MUKR3	MUKR4	MUKR5
Service Commercial					
Standard Restaurant	✓		✓	✓ (e)	✓
Standard Restaurant with Dance Floor	✓		✓	✓ (e)	✓
Fast Food Restaurant	✓		✓	✓ (e)	✓
Convenience Restaurant	✓		✓	✓ (e)	✓
Dry Cleaning Depot, Laundromat	✓		✓		
Veterinary Services	✓		✓		
Elevated Parking Facility				✓ (d)	
Other Service Commercial uses	✓		✓		
Office					
All Office uses	✓		✓	✓ (d)	
Community					
Community Institution uses	✓		✓	✓ (d)	✓
College or University (private or public)					✓
Campus Facility	✓ (b)		✓ (b)		✓ (b)
Hospitality					
Hospitality uses permitted in a MXC zone				✓ (d)	
Hotel	✓			✓ (d)	
Entertainment					
Entertainment Establishment	✓				
Arena				✓	
Recreation					

USES	KING ROAD COMMUNITY ZONES				
	MUKR1	MUKR2	MUKR3	MUKR4	MUKR5
Recreation uses permitted in a MXC zone	✓			✓ (d)	✓
Residential					
Apartment Building	✓ (a)	✓	✓	✓ (a,c)	✓
Retirement Home	✓	✓	✓		
Stacked Townhouse		✓			
Back-to-Back Townhouse		✓			
Townhouse	✓ (a)	✓	✓ (a,f)		
Additional Residential Units	✓ (g)	✓ (g)			

Footnotes to Table 5.6.1:

- (a) Standalone residential uses are not permitted
- (b) Dwelling units are permitted within Development Areas 6, 7, 8, 11 and 13 in conjunction with a College or University use provided in Development Area 8 as shown in Diagram 2 in Section 12.
- (c) Apartment dwelling units are permitted accessory to the hotel use
- (d) Permitted on a lot in conjunction with an Arena
- (e) Permitted on the ground floor in conjunction with an Arena
- (f) Permitted on the ground floor of an apartment building
- (g) Subject to Part 1, Section 2.21, Subsection (u)

7. MUKR1 ZONE REGULATIONS

Lands zoned MUKR1 are subject to the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

7.1 LOT WIDTH

Notwithstanding the definition of Lot Width, Development Area 4 as shown on Diagram 2 in Section 12 may have its lot width measured from the longest property line abutting a street

7.2 YARDS

- (a) Yard abutting any street: 1.5 m
- (b) Maximum yard abutting a street:
 - i. First and second storey: 5 m
 - ii. All other storeys: No maximum
 - iii. Notwithstanding 7.2 (b)(i), the maximum yard shall only apply to building elevations located within 7 m of Streets 'A' and 'B' as shown on Diagram 2 in Section 12.
- (c) Building setback from a creek block: 5.5 m

7.3 FLOOR AREA AND FLOOR AREA RATIO

- (a) Maximum Floor Area Ratio as required in Table 5.12.1 and Diagram 2, in Section 12
- (b) No maximum non-residential Gross Floor Area applies
- (c) Residential uses are permitted to occupy a maximum 40% of the length of a building wall abutting Streets 'A', B; and 'D' as shown on Diagram 2 in Section 12.

7.4 BUILDING HEIGHT

- (a) Minimum and Maximum: As required in Table 5.12.1 and Diagram 2 in Section 12 .
- (b) Notwithstanding the maximum building height permitted in Table 5.12.1, where multiple buildings greater than 12 storeys are permitted within the same lot, the following shall apply
 - i. A minimum height variation of 4 storeys shall be provided between adjacent buildings.
 - ii. No two buildings on the same lot or with a shared podium shall have the same building height.

7.5 PARKING REQUIREMENTS

Notwithstanding Part 5, Section 4.6, parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law except as amended by the following:

- (a) Minimum Parking:
 - i. Residential occupant: 0.75 parking spaces per unit
 - ii. Residential visitor: 0.05 parking spaces per unit
 - iii. Retail Store: 1.5 parking spaces per 100 m² gross floor area
 - iv. Community Institution: 4.0 parking spaces per 100 m² gross floor area
- (b) Parking spaces are not permitted above the third storey of a building
- (c) The Retail Centre parking rate shall not apply

7.6 BICYCLE PARKING REQUIREMENTS

(a) In addition to the requirements of Part 1, 2.26 (10), the following shall apply:

- i. Residential Bicycle Parking Rates:
 - a. 0.1 short term bicycle parking spaces per unit
 - b. 0.5 long term bicycle parking space per unit

(b) Bicycle Parking Standards:

- i. Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.
- ii. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
- iii. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.

(c) Bicycle Parking Space Size:

- i. Horizontal space: 0.6 m x 1.8 m
- ii. Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall
- iii. Vertical space: 1 m x 0.6 m

7.7 DRIVE-THROUGH FACILITIES

(a) Drive-through facilities are only permitted in conjunction with a permitted retail or service commercial use

(b) Notwithstanding 7.6 (a), drive-through facilities are only permitted in Development Areas 1, 2 and 4 as shown on Diagram 2 in Section 12.

7.8 LOADING AND UNLOADING

Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.

7.9 LANDSCAPE AREA AND BUFFER

Minimum landscape area abutting a street or creek block shall not apply.

7.10 AMENITY AREA

15 m² per dwelling unit

7.11 DOORS

A pedestrian accessible door is not required along King Road for Development Area 4 as shown on Diagram 2 in Section 12.

8. MUKR2 ZONE REGULATIONS

8.1 Townhouse, Stacked Townhouse and Back-to-Back Townhouse Regulations

Development of a Townhouse, Stacked Townhouse and Back-to-Back Townhouse on the lands zoned MUKR2 are subject to Part 5, section 5 of the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

8.1.1 YARDS

- (a) Yard abutting a street: 1.5 m
- (b) Maximum yard abutting a street as shown on Diagram 2 in Section 12:
 - i. Street 'A': 5 m
 - ii. Street 'B': 10 m
 - iii. The maximum yard shall only apply to building elevations located within 10m m of streets A and B as shown on Diagram 2 in Section 12
- (c) Rear yard: 5 m
- (d) Yard abutting a P Zone: 5 m

8.1.2 DENSITY

No maximum permitted density applies

8.1.3 BUILDING HEIGHT

Minimum and Maximum building height: as required in Table 5.12.1 and Diagram 2 in Section 12

8.1.4 PARKING REQUIREMENTS

Parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law.

8.1.5 LANDSCAPE AREA

- (a) Minimum landscape area:
 - i. Abutting a street: 1.5 m
 - ii. Abutting a creek block: 1.5 m

8.1.6 AMENITY AREA

15 m² per dwelling unit

8.1.7 PRIVACY AREA

Not required

8.2 Apartment Building Regulations

Development of an Apartment Building on the lands zoned MUKR2 are subject to the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

8.2.1 YARDS

- (a) Yard abutting a street: 1.5 m
- (b) Maximum yard abutting a street
 - i. First and second storey: 3 m
 - ii. All other storeys: no minimum
 - iii. The maximum yard shall only apply to building elevations located within 10m of streets A and B as shown on Diagram 2 in Section 12
- (c) Rear yard: 5 m
- (d) Yard abutting a P Zone: 5 m

8.2.2 FLOOR AREA AND FLOOR AREA RATIO

Maximum Floor Area Ratio as required per Table 5.12.1 and Diagram 2 in Section 12

8.2.3 BUILDING HEIGHT

Minimum and Maximum building height: as required in Table 5.12.1 and Diagram 2 in Section 12

8.2.4 PARKING REQUIREMENTS

Notwithstanding Part 5, Section 4.6 parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law, except as amended by the following:

- (a) Minimum Parking:
 - i. Residential occupant: 0.75 parking spaces per unit
 - ii. Residential visitor: 0.05 parking spaces per unit

8.2.5 BICYCLE PARKING REQUIREMENTS

- (a) In addition to the requirements of Part 1, 2.26 (10), the following shall apply:

- a. Residential Bicycle Parking Rates:
 - i. 0.1 short term bicycle parking spaces per unit
 - ii. 0.5 long term bicycle parking space per unit

- (b) Bicycle Parking Standards:

- a. Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.

- b. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
- c. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
- (c) Bicycle Parking Space Size:
 - a. Horizontal space: 0.6 m x 1.8 m
 - b. Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall
 - c. Vertical space: 1 m x 0.6 m

8.2.6 LANDSCAPE AREA

- (a) Minimum landscape area:
 - i. Abutting a street: 1.5 m
 - ii. Abutting a creek block: 1.5 m

8.2.7 AMENITY AREA

15 m² per dwelling unit

9. MUKR3 ZONE REGULATIONS

Lands zoned MUKR3 are subject to the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

9.1 YARDS

- (a) Yard abutting Highway 403: 14 m
- (b) Yard abutting any street: 1.5 m
- (c) Maximum Yard abutting a street:
 - i. First and Second storey: 5 m
 - ii. All other storeys: no maximum
 - iii. Notwithstanding 9.1 (b)(i), the maximum yard shall only apply to building elevations located within 15 m of streets A and B as shown on Diagram 2 in Section 12
- (d) Building setback from a creek block: 5.5 m

9.2 SEPARATION DISTANCE FROM A RAILWAY RIGHT-OF-WAY

Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, no minimum shall apply.

9.3 FLOOR AREA AND FLOOR AREA RATIO

- (a) Maximum Floor Area Ratio as required per Table 5.12.1 and Diagram 2 in Section 12
- (b) No maximum non-residential Gross Floor Area applies

9.4 LANDSCAPE AREA AND BUFFER

- (a) Minimum landscape area:
 - i. Abutting a street: 1.5 m
 - ii. Abutting a creek block: 1.5 m

9.5 BUILDING HEIGHT

- (a) Minimum and Maximum: As required in Table 5.12.1 and Diagram 2 in Section 12.
- (b) Notwithstanding the maximum building height permitted in Table 5.12.1, where multiple buildings greater than 12 storeys are permitted within the same lot, the following shall apply:
 - i. A minimum height variation of 4 storeys shall be provided between adjacent buildings.
 - ii. No two buildings on the same lot or with a shared podium shall have the same building height.

9.6 PARKING REQUIREMENTS

Notwithstanding Part 5, Section 4.6, parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law except as amended by the following:

- (a) Minimum Parking:
 - i. Residential Occupant: 0.75 parking spaces per unit
 - ii. Residential Visitor: 0.05 parking spaces per unit
 - iii. Retail Store: 1.5 parking spaces per 100 m² gross floor area
 - iv. Community Institution: 4.0 parking spaces per 100 m² gross floor area
- (b) Parking spaces are not permitted above the third storey of a building
- (c) The Retail Centre parking rate shall not apply

9.7 BICYCLE PARKING REQUIREMENTS

- (a) In addition to the requirements of Part 1, 2.26 (10), the following shall apply:
 - i. Residential Bicycle Parking Rates:
 - a. 0.1 short term bicycle parking spaces per unit
 - b. 0.5 long term bicycle parking space per unit
- (b) Bicycle Parking Standards:

- i. Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.
 - ii. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
 - iii. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
- (c) Bicycle Parking Space Size:
- i. Horizontal space: 0.6 m x 1.8 m
 - ii. Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall
 - iii. Vertical space: 1 m x 0.6 m

9.8 DRIVE-THROUGH FACILITIES

Drive-through facilities are prohibited.

9.9 LOADING AND UNLOADING

Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.

9.10 AMENITY AREA

15 m² per dwelling unit

10. MUKR4 ZONE REGULATIONS

Lands zoned MUKR4 are subject to the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

10.1 YARDS

- (a) Yard abutting any street: 1.5 m
- (b) No maximum yard requirement to a street applies
- (c) Minimum building setback from a creek block: 5.5 m

10.2 SEPARATION DISTANCE FROM A RAILWAY RIGHT-OF-WAY

Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, no minimum shall apply.

10.3 FLOOR AREA AND FLOOR AREA RATIO

- (a) Maximum Floor Area Ratio as required per Table 5.12.1 and Diagram 2 in Section 12
- (b) No maximum non-residential Gross Floor Area applies
- (c) A minimum Gross Floor Area for a permitted Arena use of 6,000 m² is required
- (d) A minimum Gross Floor Area for a permitted Community Institutional or Recreational Establishment of 6,000 m² is required

10.4 LANDSCAPE AREA AND BUFFER

- (a) Minimum landscape area abutting a street shall not apply

10.5 BUILDING HEIGHT

Minimum and Maximum: As required in Table 5.12.1 and Diagram 2 in Section 12.

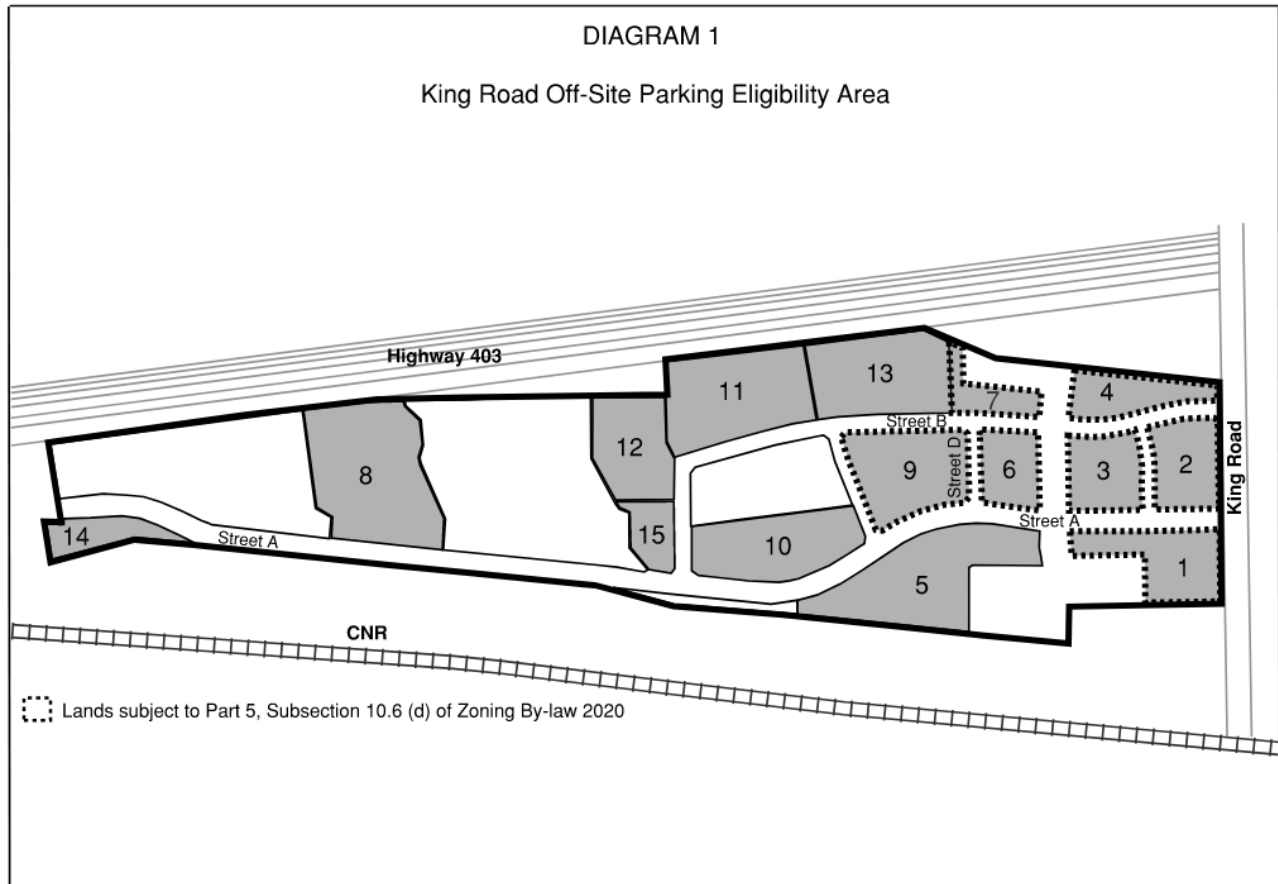
10.6 PARKING REQUIREMENTS

Notwithstanding Part 5, Section 4.6, parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law except as amended by the following:

- (a) Minimum Parking:
 - i. Residential Occupant: 0.75 parking spaces per unit
 - ii. Residential Visitor: 0.05 parking spaces per unit
 - iii. Retail Store: 1.5 parking spaces per 100 m² gross floor area
 - iv. Community Institution: 4.0 parking spaces per 100 m² gross floor area
 - v. Arena: 3.0 spaces per 100 m² of gross floor area
 - vi. Hotel: 0.75 spaces per unit
- (b) Parking spaces are not permitted above the third storey of a building
- (c) The Retail Centre parking rate shall not apply
- (d) The minimum required parking spaces for an arena shall be provided on the property containing the use, and in addition, the following shall apply:
 - i. Notwithstanding, Part 1, Subsection 2.25, where the provision of parking on the same lot as the use requiring the parking is not possible, required parking spaces may be located on another lot within the area of eligibility shown in Diagram 1 in Section 10. Such alternative parking shall be subject to (ii) herein and shall be surplus to the number of parking spaces required on the affected lot by Zoning By-law 2020, as amended
 - ii. Where required parking spaces are provided in accordance with 10.6 (d), the owners of all lots shall enter into an agreement with the City of Burlington to be registered against title of the lot upon which parking is to be provided and the property containing the arena for which parking is required.

- iii. Parking as provided for in subsection (ii) may be transferred to another lot in accordance with subsection (i) above, provided that an agreement as required by subsection (ii) is registered on title of said other lot.

Diagram 1 – Off-Site Parking Diagram



10.7 BICYCLE PARKING REQUIREMENTS

(a) In addition to the requirements of Part 1, 2.26 (10), the following shall apply:

a. Residential Bicycle Parking Rates:

- i. 0.1 short term bicycle parking spaces per unit
- ii. 0.5 long term bicycle parking space per unit

(b) Bicycle Parking Standards:

- a. Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.
- b. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
- c. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.

(c) Bicycle Parking Space Size:

- a. Horizontal space: 0.6 m x 1.8 m
- b. Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall
- c. Vertical space: 1 m x 0.6 m

10.8 DRIVE-THROUGH FACILITIES

Drive-through facilities are prohibited.

10.9 LOADING AND UNLOADING

Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.

10.10 AMENITY AREA

15 m² per dwelling unit

11. MUKR5 ZONE REGULATIONS

Lands zoned MUKR5 are subject to the MXC Zone Regulations and other general provisions of By-law 2020, except as amended by the following:

11.1 YARDS

- (a) Yard abutting Highway 403: 14 m
- (b) Yard abutting any street: 1.5 m
- (c) No maximum yard requirement to a street applies

11.2 SEPARATION DISTANCE FROM A RAILWAY RIGHT-OF-WAY

Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, no minimum shall apply.

11.3 FLOOR AREA AND FLOOR AREA RATIO

- (a) Maximum Floor Area Ratio as required per Table 5.12.1 and Diagram 2 in Section 12
- (b) No maximum non-residential Gross Floor Area applies
- (c) A minimum Gross Floor Area for permitted Community Institutional Uses identified in Table 5.6.1 of 400 m² is required

11.4 LANDSCAPE AREA AND BUFFER

Minimum landscape area abutting a street: 1.5 m

11.5 BUILDING HEIGHT

Minimum and Maximum: As required in Table 5.12.1 and Diagram 2 in Section 12.

11.6 PARKING REQUIREMENTS

Notwithstanding Part 5, Section 4.6, parking shall be provided in accordance with Part 1, subsection 2.25 and subsection 2.26 of this By-law except as amended by the following:

- (a) Minimum Parking:
 - i. Retail Store: 1.5 parking spaces per 100 m² gross floor area
 - ii. Campus Facility: 3.0 parking spaces per 100 m² gross floor area
 - iii. Community Institution: 4.0 parking spaces per 100 m² gross floor area
- (b) Parking spaces are not permitted above the third storey of a building
- (c) The Retail Center parking rate shall not apply

11.7 BICYCLE PARKING REQUIREMENTS

- (a) In addition to the requirements of Part 1, 2.26 (10), the following shall apply:
 - a. Residential Bicycle Parking Rates:
 - i. 0.1 short term bicycle parking spaces per unit
 - ii. 0.5 long term bicycle parking space per unit
- (b) Bicycle Parking Standards:
 - a. Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.
 - b. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
 - c. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.
- (c) Bicycle Parking Space Size:
 - a. Horizontal space: 0.6 m x 1.8 m
 - b. Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall
 - c. Vertical space: 1 m x 0.6 m

11.8 LOADING AND UNLOADING

Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.

11.9 DRIVE-THROUGH FACILITIES

Drive-through facilities are prohibited.

11.10 AMENITY AREA15 m² per dwelling unit**12. Building Height and Gross Floor Area**

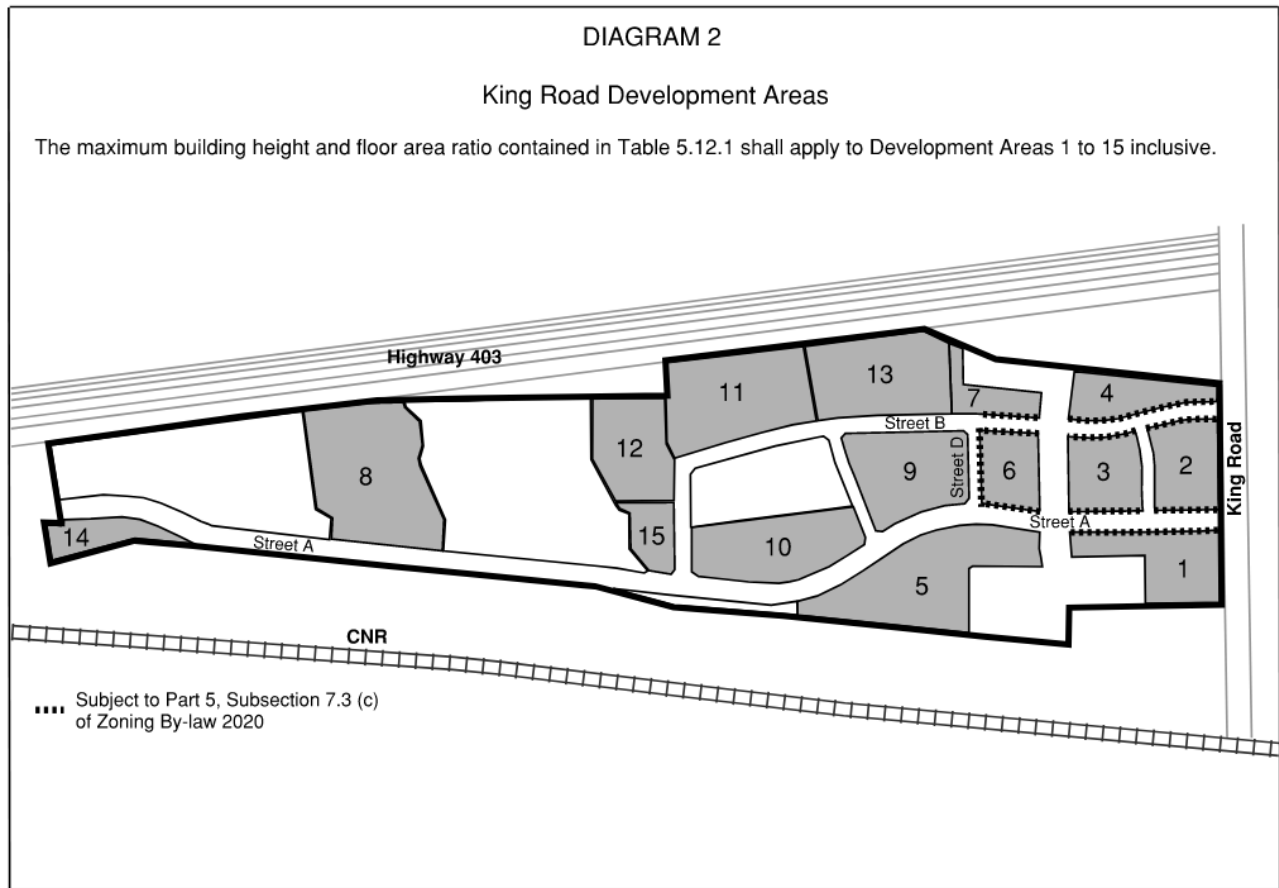
The minimum and maximum required building height and maximum gross floor area specified in Table 5.12.1 shall apply to Development Areas 1 to 15 inclusive as shown on Diagram 2.

Table 5.12.1

Development Area	Requirement		
	Building Height		Maximum Floor Area Ratio
1	Minimum:	2 storeys	4:1
	First and second floor:	4.5 m	
	Maximum:	25 storeys	
2	Minimum:	2 storeys	6:1
	First and second floor:	4.5 m	
	Maximum:	30 storeys	
3	Minimum:	2 storeys	1.5:1
	First and second floor:	4.5 m	
	Maximum:	11 storeys	
4	Minimum:	2 storeys	6.5:1
	First and second floor:	4.5 m	
	Maximum:	38 storeys	
5	Minimum:	2 storeys	4:1
	Maximum:	30 storeys	
6	Minimum:	2 storeys	3.6:1

	First and second floor:	4.5 m	
	Maximum:	12 storeys	
7	Minimum:	2 storeys	3.6:1
	First and second floor:	4.5 m	
	Maximum:	11 storeys	
8	Minimum:	1 storey	1.5:1
	Maximum:	11 storeys	
9	Minimum:	2 storeys	4:1
	Maximum:	25 storeys	
10	Townhouses:		1.5:1
	Maximum:	4 storeys, up to 14 m	
	Apartment building:		3.6:1
	Minimum:	2 storeys	
	Maximum:	11 storeys	
11	Minimum:	2 storeys	6:1
	Maximum:	46 storeys	
12	Minimum:	2 storeys	6:1
	Maximum:	53 storeys	
13	Minimum:	2 storeys	6:1
	Maximum:	41 storeys	
14	Minimum:	2 storeys	8.4:1
	Maximum:	48 storeys	
15	Minimum:	2 storeys	
	Maximum:	11 storeys	

Diagram 2 – King Road Development Areas



8. Part 11, Holding Zone Provisions, of Zoning By-law 2020, as amended, is further amended by adding to Appendix 'A', Site-Specific Requirement 577, as follows:

#114	H-MUKR1 H-MUKR2 H-MUKR3 H-MUKR4 H-MUKR5 H-P H-O2 H-D-577	Map 3-E, 6-E and 6-W Resolution:
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Holding Areas

The Holding symbol shall apply to the Holding Areas identified in Diagram 1. Each Holding Area is subject only to the conditions identified in Table 11.1.

The Holding symbol may be removed from all or part of a Holding Area by by-law where Council is satisfied that the applicable conditions identified in Tables 11.1

and 11.2 have been fulfilled to the satisfaction of the City and any applicable approval authority.

Diagram 3

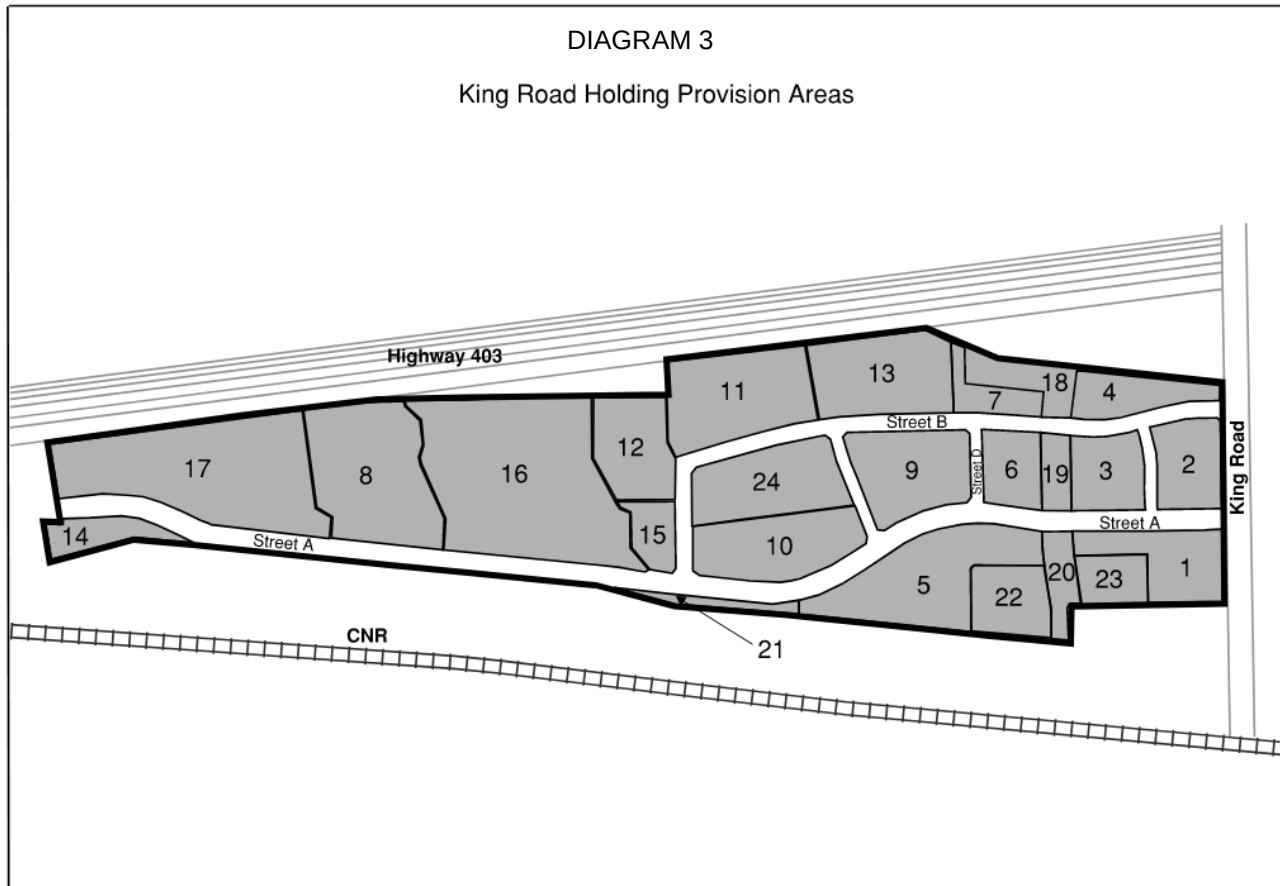


Table 11.1 – Holding Area Matrix

Holding Area	T1	T2	T3	T4	T5	T6	E1	E2	E3	E4	C1	C2	C3	R1	S1	U1	U2	U3	P1
1	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓		✓
2	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓		✓
3		✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓		✓
4	✓	✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓	✓	✓
5		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓		✓
6		✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓		✓
7		✓	✓	✓	✓	✓	✓		✓	✓			✓	✓		✓			✓
8		✓	✓	✓	✓	✓					✓		✓	✓		✓			✓
9		✓	✓	✓	✓	✓			✓	✓			✓	✓		✓	✓		✓
10		✓	✓	✓	✓	✓			✓	✓		✓		✓		✓			✓
11		✓	✓	✓	✓	✓								✓		✓	✓	✓	✓
12		✓	✓	✓	✓	✓		✓						✓		✓	✓	✓	✓

13		✓	✓	✓	✓	✓	✓							✓		✓	✓	✓	✓
14		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓		✓	✓	✓	✓
15		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓					
16		✓						✓											
17		✓						✓	✓	✓									
18									✓	✓					✓				
19									✓	✓					✓				
20									✓	✓					✓				
21							✓		✓	✓					✓				
22									✓	✓					✓				
23									✓	✓					✓				
24		✓							✓	✓									

Table 11.2 – Holding Conditions**T1**

Prior to the development of any lands identified on Diagram 3 of this by-law, known as 1200 King Rd., construction of the proposed east-west street from King Road to Alayne Bryk Way as shown on Diagram 3 as “Street A” of this by-law shall be required to the satisfaction of the Director of Transportation Services and the Director of Community Planning. Development may occur in advance of or concurrently with the construction of the street where the development does not create a significant impact to the existing transportation system, to the satisfaction of the Director of Transportation Services and the Director of Community Planning.

T2

Prior to the development of any lands identified on Diagram 3 of this by-law, known as 1200 King Rd., construction of the proposed east-west street from King Road to Alayne Bryk Way as shown on Diagram 3 as “Street A” of this by-law shall be required to the satisfaction of the Director of Transportation Services and the Director of Community Planning.

T3

The Owner shall provide written confirmation from the Ministry of Transportation (MTO) that they have no objection to the “Street A” connection to Alayne Bryk Way, to the satisfaction of the Director of Community Planning, in consultation with MTO.

T4

The Owner shall provide written confirmation from Metrolinx that they have no objection to the “Street A” connection to Alayne Bryk Way, to the satisfaction of the Director of Community Planning, in consultation with Metrolinx.

T5

The Owner shall provide a Transportation Impact Study to the satisfaction of MTO.

T6

The Owner shall submit a revised Transportation Impact Study and Transportation Demand Management report, addressing comments from Transportation Services and Dillon Consulting to the satisfaction of the Director of Transportation Services and the Director of Community Planning.

E1

The owner shall provide confirmation, including as built drawings and a letter from a Qualified Professional, that the approved alteration of a watercourse and natural hazards is completed and that the subject lands are a minimum of 7.5 metres from the flood plain, meander belt and stable top of bank and outside of hazardous lands, to the satisfaction of the Director of Community Planning and Conservation Halton.

E2

The Owner shall submit a revised Environmental Impact Assessment to refine the boundaries of the Natural Heritage System, to the satisfaction of the Director of Community Planning and Conservation Halton.

E3

The owner shall submit revised hydrologic and hydraulic modelling assessments and a downstream erosion assessment to confirm flood hazard limits and demonstrate that the proposed development, including watercourse and natural hazard alterations, will not aggravate downstream flooding or erosion, to the satisfaction of the Director of Community Planning and Conservation Halton.

E4

The owner shall submit updated constraint mapping and supporting technical studies, which delineate all natural hazards and related regulatory and erosion access allowances along with wetlands and adjacent regulated areas, setbacks required for all vested agencies including but not limited to MTO, HONI, CNR, Metrolinx; with clear labels, setbacks with dimensions, and notes for any agency

easements and the limits of easements to the satisfaction of the Director of Community Planning and Conservation Halton.

C1

Residential, retail, service commercial and hotel uses shall not be permitted until one or more of the other permitted uses listed in Part 5 Section 6, Table 5.6.1 - MUKR4 Zone of Zoning By-law 2020 have been developed or has been proposed in conjunction with another permitted use, for the lands show on Diagram 3 to the satisfaction of the Director of Community Planning.

C2

Notwithstanding the required minimum railway setback in the MXC Zone, the appropriate yard abutting the railway will be determined through the revised Noise and Vibration Feasibility Study, to the satisfaction of the Director of Community Planning.

C3

Residential uses shall not be permitted until one or more of the other permitted uses listed in Part 5 Section 6, Table 5.6.1 - MUKR1 Zone of Zoning By-law 2020, have been developed or has been proposed in conjunction with another permitted use, for the lands show on Diagram 3 to the satisfaction of the Director of Community Planning.

R1

The owner shall have addressed the following requirements for all the residential units proposed for development to the satisfaction of the Region of Halton. The Region of Halton shall provide written confirmation that these matters have been addressed:

- a) The Owner shall secure the appropriate amount of water and wastewater Servicing Allocation under the Region of Halton Allocation Program;
- b) The Owner shall have signed the applicable Allocation Agreement or any required Amending Agreements;
- c) The Owner shall have made all required payments associated with the Allocation Program; and,
- d) The Owner shall be in receipt of the Region of Halton Public Works Commissioner's Notice (PWCN) letter.

S1

The owner shall submit a revised Enhanced Functional Servicing and Stormwater Management Report to demonstrate all stormwater management targets can be

met and to support downstream analysis, to the satisfaction of the Director of Community Planning, Conservation Halton and the Region of Halton.

U1

Where buildings up to 11 storeys in height are proposed, demonstration of how the proposed buildings comply with the Urban Design Brief by NAK Design and Giannone Petricone Associates, dated February 2026, is required to the satisfaction of the Director of Community Planning.

U2

The review of the following items and any applicable complete application requirements where relevant, shall be required to accompany any development applications that propose buildings taller than 11 storeys in height, up to 30 storeys in height, to the satisfaction of the Director of Community Planning:

- a) Meeting the vision and objectives contained in Policies 8.8.3 (1) and 8.8.3 (2) of the City of Burlington Official Plan.
- b) Demonstrating how the proposed buildings are consistent with guidance in the Urban Design Brief by NAK Design and Giannone Petricone Associates, dated February 2026, as amended, to demonstrate design excellence related to site design, architectural building design, and high quality building materials.
- c) Shadow impact study for the block proposed;
- d) Pedestrian wind impact study for the block proposed;
- e) Confirmation that the proposed central park has been secured;
- f) Demonstration that the King Road Community will achieve the minimum 1,500 jobs as set out in 8.8.3 (3) c), across the entirety of the Community;
- g) Confirmation that the affordable housing units, as required in Policy 8.8.3(3) d) have been secured across the entirety of the Community;
- h) Confirmation that a significant institutional or public service facility, including but not limited to a post secondary institution use shall be the principle use in the Campus Node as per section 8.8.3 (5.1.2) b), unless otherwise permitted in accordance with 8.8.3 (5.1.2.) e).
- i) Confirmation that significant entertainment use, such as a sports arena, with an event plaza will be located in the Entertainment Node as per section 8.8.3 (5.3.2) b), unless otherwise permitted in accordance with 8.8.3 (5.3.2) f).

U3

The review of the following items and any applicable complete application requirements where relevant, shall be required to accompany any development

applications that propose buildings taller than 30 storeys in height, to the satisfaction of the City:

- a) Meeting the vision and objectives contained in Policies 8.8.3 (1) and 8.8.3 (2) of the City of Burlington Official Plan.
- b) Demonstrating how the proposed buildings are consistent with guidance in the Urban Design Brief by NAK Design and Giannone Petricone Associates, dated February 2026, as amended, to demonstrate design excellence related to site design, architectural building design, and high quality building materials.
- c) Shadow impact study for the block proposed;
- d) Pedestrian wind impact study for the block proposed;
- e) Confirmation that the proposed central park has been secured;
- f) Demonstration that the King Road Community will achieve the minimum 1,500 jobs as set out in 8.8.3 (3) c), across the entirety of the Community;
- g) Confirmation that the affordable housing units, as required in Policy 8.8.3(3) d) have been secured across the entirety of the Community;
- h) Confirmation that a significant institutional or public service facility, including but not limited to a post secondary institution use shall be the principle use in the Campus Node as per section 8.8.3 (5.1.2) b), unless otherwise permitted in accordance with 8.8.3 (5.1.2.) e).
- i) Confirmation that significant entertainment use, such as a sports arena, with an event plaza will be located in the Entertainment Node as per section 8.8.3 (5.3.2) b), unless otherwise permitted in accordance with 8.8.3 (5.3.2) f).
- j) The inclusion of one or more voluntary elements of the Sustainable Building and Development Guidelines; and,
- k) Where residential uses are proposed, either the inclusion of rental units or the inclusion of larger units of 2-bedroom or 3-bedroom.

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Notwithstanding the parking regulations in the respective MUKR zone, the parking rate shall be calculated according to the provisions of Part 1 Section 2.25 of the Zoning By-law 2020, until revisions to the Transportation Impact Study and Transportation Demand Management reports have been approved by the Director of Community Planning and the Director of Transportation Services City. Upon approval, the parking standards of the applicable MUKR zone shall apply.

9. Part 14, Exceptions to Zone Designations, of Zoning By-law 2020, as amended, is further amended by adding a new Exception #577 as follows:

Exception	Zone	Map	Amendment	Enacted
577	H-D	3-E, 6-E and 6-W	2020.524	July 22, 2026
1. Notwithstanding Part 12, Section 1, a Detached Dwelling is not permitted 2. Notwithstanding Part 1, Subsection 2.21, "Uses Permitted in All Zones" shall not apply.				
Except as amended herein, all other provisions of this By-law, as amended, shall apply				

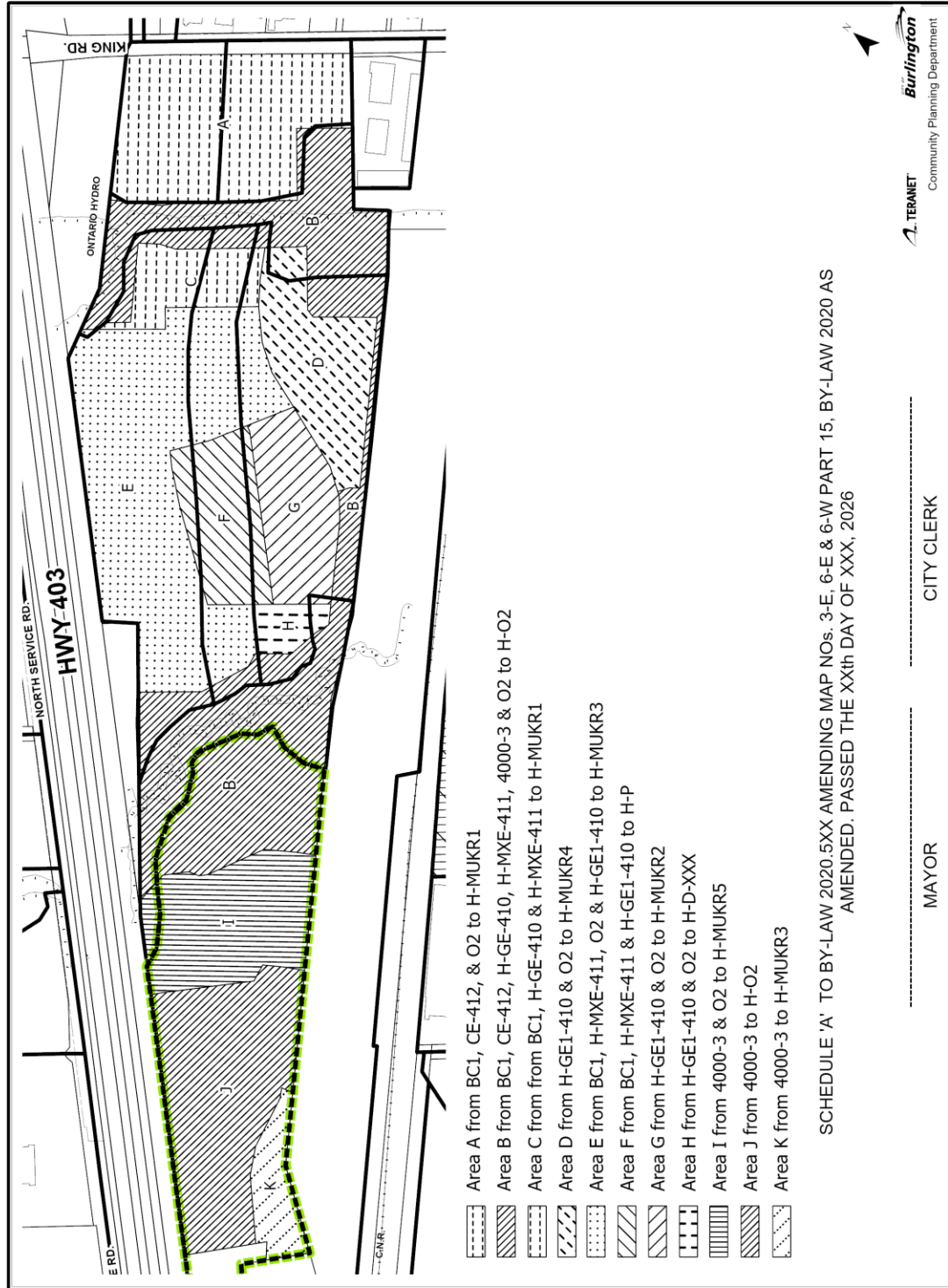
10. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Enacted and passed this 21st day of July, 2026

Mayor Marianne Meed Ward _____

City Clerk Michael de Rond _____

Schedule A: Zoning Map



Appendix F: Provincial Planning Statement (PPS), 2024: Consistency Analysis to OPA 9

The Provincial Planning Statement, 2024, provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning. Official plans should coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial outcomes.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may apply to decisions with respect to Planning Act applications, affect planning matters, and assist in implementing these interests.

Land use planning decisions made by municipalities must be consistent with the Provincial Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Relevant Section of the Provincial Planning Statement, 2024 to OPA 9	Section of Official Plan Amendment No 9 July 2026) that addresses the Provincial Planning Statement, 2024. * Note: The sections identified below are the policies of Official Plan Amendment 9 that address the PPS. However, there are other policies of the Burlington Regional Official Plan that further address consistency with the Provincial Planning Statement.
Chapter 1 – Introduction: Vision, Role of PPS, Legislative Authority, How to Read	
Vision “[...] the building of more homes for all Ontarians.” The vision also restates the Province’s goal of getting at least 1.5-million homes built by 2031.”	The intent of OPA 9 is to establish a vision for the proposed 1200 King Road Community, to establish a framework to plan the area as a vibrant mixed-use, transit-supportive, <i>complete community</i> inclusive of social, environmental and economic benefits. The 1200 King Road Community will include a mix of land uses providing a range of opportunities for residents and <i>employment</i> development, in addition to <i>public service facilities</i>, a range of mobility options and parks and open space that will connect to and maximize the <i>natural environment</i>. The 1200 King Road Community will contribute to the Province’s housing targets.

Chapter 2 – Building Homes, Sustaining Strong and Competitive Communities	
2.1 Planning for People & Homes	
2.1.1 As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.	OPA 9 establishes a planning vision for 1200 King Road that accommodates intensification population and employment growth to 2051 and beyond (Section 8.8.3 (5.2), 8.8.3 (5.4)).
2.1.6 Planning authorities should support the achievement of complete communities by: a. accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including, schools and associated child care facilities, long-term care facilities, places of worship, and cemeteries), recreation, parks and open space, and other uses to meet long-term needs; b. improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and c. improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.	OPA 9 establishes a vision and policy framework for the 1200 King Road Community that would guide the development of the area as a vibrant, mixed use, transit supportive, complete community. A mix of land uses are encouraged to provide a range of opportunities for residents and employment, public service facilities, parks and open spaces that are accessible to all. Further, OPA 9 establishes a vision for each node and authorized uses of land that accommodate a range and mix of employment uses, land uses including residential types, institutional, parks and open space opportunities, recreation and other uses to meet long-term needs (Section 8.8.3 (3), 8.8.3 (5.1), 8.8.3 (5.3), 8.8.3 (5.4)). Sections 8.8.3 (6), 8.8.3 (3.1) and 8.8.3 (3) of OPA 9 provide policy direction related to Water, Wastewater and Transportation Infrastructure, Urban Design, Built Form, and Public Realm that

	serve to ensure that land use and design barriers are addressed by improving accessibility and full participation for persons of all ages, and abilities.
2.2 Housing	
2.2.1 a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;	The policies of OPA 9 and the zoning by-law provide for a range and mix of housing options, including provisions to permit affordable housing in all nodes and encourage additional needs housing where residential uses are permitted. OPA 9 (Sections 8.8.3 (3) d), 8.8.3 (g) , 8.8.3 (h)) encourages all forms of affordable and assisted housing to support all income levels, and for integration within neighbourhoods, and establishes that the City will collaborate with non-profit housing providers and alike housing service managers to address the provision of affordable housing within the 1200 King Road Community.
2.2.1 b Permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g.,	The policies within OPA 9 and the zoning by-law provide for a range and mix of housing options, including provisions for affordable housing through a minimum target of approximately 5% of all residential units (8.8.3 (3) (d)). Further, OPA 9 policies note that affordable housing shall be permitted and encouraged to locate in all nodes and additional needs housing is encouraged where residential uses are permitted (8.8.3 (3)).

shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment which results in a net increase in residential units in accordance with policy 2.3.1.3 2.2.1 c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service and support the use of active transportation; and 2.2.1 d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.	OPA 9 sets a policy framework for 1200 King Road to be planned as a vibrant mixed-use, transit-supportive, complete community to meet several objectives such as to create a complete, compact and environmentally <i>sustainable</i> community, with a mix of uses in walking distance of transit (8.8.3 (3)).
2.3 Settlement Areas and Settlement Boundary Expansions	
2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	OPA 9 sets out a planning framework and a guide for future study to support development and growth within the 1200 King Road Community into a complete community containing a mix and range of land uses (Section 8.8.3).
2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation;	OPA 9 establishes a vision and policy framework for the 1200 King Road Community that would guide the development of the area as a vibrant, mixed use, transit supportive, complete community. A mix of land uses are encouraged to provide a range of opportunities for residents and

d) are transit-supportive, as appropriate; and e) are freight-supportive.	employment, public service facilities, parks and open spaces that are accessible to all. OPA 9 includes provisions related to infrastructure in Section 8.8.3 (6) including the objectives to collaborate with all partners to ensure that infrastructure is planned comprehensively in a manner that effectively uses existing capacity and strategically invests in additional capacity to support the land use vision of this Plan, which calls for growth through intensification. OPA 9 includes provisions related to public service facilities in Section 8.8.3 (3) including provisions to ensure that public service facilities are planned for and designed to meet the needs of the City and other public service providers in accordance with their respective master planning work to support long-term growth. OPA 9 provides a land use vision and node plan that supports all modes of transportation and enables the opportunity for transportation connections within and outside the community (Sections 8.8.3 (6)). The policies of OPA 9 and the zoning by-law provisions direct for the implementation of a multi-modal transportation network that complies with the Official Plan classification of transportation facilities and public right of way widths and the Region's most up to date Transportation Master Plan. The multi-modal network will be supported
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	by a Transportation and Mobility Impact Study that will identify additional streets, active transportation connections and trails to create a fine-grain balanced transportation network in accordance with the policies of Section 8.8.3 (3) k). In addition to the policies of the OPA, Section 8.8.3 (6.1) c) states that the City shall plan for and implement additional transit routes and increased frequency to support population and employment growth in the 1200 King Road Community and to enhance connections to the Aldershot GO Station and other areas of the City.
2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities	OPA 9 presents a vision for each node and authorized uses of land that accommodate a range and mix of residential types, employment uses, institutional, recreation, parks and open space opportunities and public service facilities, as well as policies supportive of intensification (8.8.3 (3)) OPA 9 encourages intensification to support the achievement of a vibrant, mixed-use, transit-supportive, complete community containing a mix and range of housing options, and plans for the investment and coordination of infrastructure and public service facilities. (8.8.3 (3)).

2.3.1.4 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	Section 8.8.3 (3) of OPA 9 includes policies that the 1200 King Road Community shall plan to accommodate growth to 2051 and beyond, including approximately 9,000 new units and provide a minimum of 1,500 new jobs, with an aspirational goal of 3,000 new jobs.
2.3.1.5 Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.	Section 8.8.3 (3) of OPA 9 includes policies that the 1200 King Road Community shall plan to accommodate growth to 2051 and beyond, including approximately approximately 9,000 new units and provide a minimum of 1,500 new jobs, with an aspirational goal of 3,000 new jobs.
2.3.1.6 Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities	The policies of Section 8.8.3 (7) in OPA 9 provide direction on the phasing and coordination of the provision of infrastructure and the timing of development to be subject to the availability of required infrastructure including transit, water and wastewater and public service facilities.
2.8 Employment	
2.8.1 Supporting a Modern Economy	
2.8.1.1 Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;	OPA 9 establishes a vision for each node and authorized uses of land that accommodate a range and mix of employment uses, land uses including residential types, institutional, parks and

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;	open space opportunities, recreation and other uses to meet long-term needs (Section 8.8.3 (3)). OPA 9 policies and zoning by-law provisions identify that public service facilities and institutional uses shall be permitted in all districts (8.8.3 (3) e)). OPA 9 also includes objectives that outline 1200 King Road will plan for population and employment densities to support existing and planned local and regional transit, as well as create a balanced community with a variety of local jobs and live/work opportunities for residents (8.8.3 (2) c) and n)). Office, retail and service commercial uses are permitted in the Campus, Mixed Use, Residential and Entertainment nodes. The Mixed Use Node is envisioned to be a focus for retail and service commercial uses, office, entertainment uses, recreation uses, public service facilities, and institutional uses to support the creation of jobs, with shops and services for employees and visitors. Objectives include: a) To accommodate mixed use development in a compact built form, where employment, institutional uses are established to support the creation of jobs.
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	b) To accommodate, subject to meeting criteria, a wide range of small-scale retail and service commercial uses at grade, which are intended to serve employees located in the node and surrounding areas. (8.8.3 (5.4.2))
c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;	The Mixed Use Node is envisioned to be a focus for retail and service commercial uses, office, entertainment uses, recreation uses, public service facilities, and institutional uses to support the creation of jobs, with shops and services for employees and visitors. Objectives include: c) To accommodate mixed-use development in a compact built form, where employment, institutional uses are established to support the creation of jobs. d) To accommodate, subject to meeting criteria, a wide range of small-scale retail and service commercial uses at grade, which are intended to serve employees located in the node and surrounding areas. (8.8.3 (5.4.2))

d) encouraging intensification of employment uses and compatible, compact, mixed- use development to support the achievement of complete communities	OPA 9 establishes a vision and policy framework for the 1200 King Road Community that would guide the development of the area as a vibrant, mixed use, transit supportive, complete community. The 1200 King Road Community will include a mix of land uses providing a range of opportunities for residents and employment development, in addition to public service facilities, a wide range of mobility options and parks and open space that will connect to and maximize the natural environment (8.8.3 (2)).
e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.	OPA 9 and the recommended zoning by-law include provisions requiring the demonstration of land use compatibility, including any mitigation requirements to the satisfaction of the city (Section 8.8.3 (7) d)).
2.8.1.3. In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long- term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.	OPA 9 Section 8.8.3 (7) d) outlines that, among other things, the demonstration of land use compatibility, including any mitigation requirements to the satisfaction of the city is required.
2.9 Energy Conservation, Air Quality and Climate Change	

2.9.1	
Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:	The following sections demonstrate the requirements of OPA 9 as it pertains to climate change, energy conservation, and air quality:
a) support the achievement of compact, transit-supportive, and complete communities;	The co-location of land use, green cover, and multi-modal transportation in the 1200 King Road Community will support the City’s objective of reducing greenhouse gas (GHG) emissions and supporting climate change adaptation objectives and long-term climate resilience. The community
b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;	is intended to accommodate growth through intensification in a variety of land uses that support and facilitate a modal shift to transit and active transportation and deliver a complete community.
c) support energy conservation and efficiency;	
d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and	
e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.	
3.1 General Policies for Infrastructure and Public Service Facilities	
3.1.1 Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.	In addition to the policies of the Burlington Official Plan (2020), policies within OPA 9 are structured in such a way that within each node, public service facilities and institutional uses are required to co-locate with other uses within a single building, site, mixed-use development or community hub and are located adjacent to public parks or public realm. Public service facilities shall be planned for and designed to meet the needs of the City and
Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:	
a) are financially viable over their life cycle, which may be demonstrated through asset management planning;	

b) leverage the capacity of development proponents, where appropriate; and c) are available to meet current and projected needs.	other public service providers in accordance with their respective master planning work to support long-term growth.
3.1.2. Before consideration is given to developing new infrastructure and public service facilities: a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adaptive re-use should be considered, wherever feasible.	The node-specific policies within OPA 9 outline how public service facilities shall be planned for and designed to meet the needs of the City and other public service providers in accordance with their respective master planning work to support long-term growth.
3.1.3. Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Chapter 5: Protecting Public Health and Safety.	
3.1.4. Public service facilities should be planned and co-located with one another, along with parks and open space where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.	The node specific policies of OPA 9 outlines that public service facilities and institutional uses are encouraged to co-locate with other uses within a single building, site, mixed-use development or community hub and be located adjacent to public parks or public realm.
3.1.5. Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in strategic growth areas, and other areas with a compact built form.	
3.2 Transportation System	
3.2.1. Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, are	

appropriate to address projected needs, and support the use of zero- and low- emission vehicles	OPA 9 sets a policy framework for the 1200 King Road Community to be planned as a vibrant mixed-use, transit-supportive, complete community to meet several objectives such as: • to create a complete, compact and environmentally sustainable community, with a mix of uses in walking distance of transit (Section 8.8.3 (2) c) of OPA 9) • To create a built environment that achieves walkability, high-quality public spaces and design excellence; (Section 8.8.3 (2) o) of OPA 9) • To establish a safe, balanced and connected fine grain multi-modal transportation network; (Section 8.8.3 (2) q) of OPA 9)
3.2.2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	
3.2.3. As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved, including connections which cross jurisdictional boundaries.	
3.3 Transportation and Infrastructure Corridors	
3.3.5. The co-location of linear infrastructure should be promoted, where appropriate.	OPA 9 encourages the co-location of linear infrastructure where appropriate (Section 8.8.3 (6)).
3.5 Land Use Compatibility	
3.5.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure	OPA 9 Section 8.8.3 (7) d) requires that demonstration of conformity with policy 77 (5) of the Burlington Regional Official Plan has been achieved. The proposed zoning by-law aligns with

the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. 3.5.2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.	this direction. This requires, among other things: iv) demonstration of land use compatibility, including any mitigation requirements to the satisfaction of the city.
3.6 Sewage, Water and Stormwater	
3.6.1 Planning for sewage and water services shall: a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services; b) ensure that these services are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. is feasible and financially viable over their life cycle; 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and 4. aligns with comprehensive municipal planning for these services, where applicable. c) promote water and energy conservation and efficiency; d) integrate servicing and land use considerations at all stages of the planning process; e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of municipal water services and municipal	In addition to the policies of the Burlington Official Plan (2020), Section 8.8.3 (6) of OPA 9 recognizes that collaboration is necessary to ensure that there are services in place to support new population and employment uses as growth occurs. OPA 9 sets out the objective to collaborate with all partners to ensure that infrastructure is planned comprehensively in a manner that effectively uses existing capacity and strategically invests in additional capacity to support the land use vision of this Plan, which calls for growth through intensification.

sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.	
3.6.2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.	OPA 9 includes the following provisions in section 8.8.3 (7) c): • The timing of development will be subject to the availability of required infrastructure including transportation, transit, municipal sewage and water, parks and public service facilities, in accordance with the policies of this Plan.
3.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety. 3.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.	Section 8.8.3 (7) c) outlines that development shall be connected to municipal sewage and water services in accordance with the Region of Halton's Water and Wastewater Master Plan, as amended, the Regional Allocation Program and Regional Development Charges By-law.

3.6.5 Partial services shall only be permitted in the following circumstances: a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the longterm provision of such services with no negative impacts; or 3.6.7 Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.	
3.6.8 Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and	In addition to the policies of the Burlington Official Plan (2020), Section 8.8.3 (7) of OPA 9 states that development timing will be subject to the availability of required servicing, which includes water and wastewater, and transportation infrastructure in an integrated manner.

g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.	
3.8 Energy Supply	
3.8.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, energy storage systems, district energy, renewable energy systems, and alternative energy systems, to accommodate current and projected needs.	Section 8.8.3 (7) b) of OPA 9 states that: The City will collaborate with the Region of Halton and other service and utility providers to support timely investments in sustainable infrastructure, utilities and services to support growth and intensification.
3.9 Public Spaces, Recreation, Parks, Trails and Open Space	
1. Healthy, active, and inclusive communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.	The policies of the Burlington Official Plan (2020) and OPA 9 promote healthy and active communities consistent with provincial policy direction. OPA 9 sets out that phased development shall only be permitted once it is demonstrated that the proposed land uses contribute to creating healthy communities through the promotion of active transportation and public transit use, as well as the provision of a transportation network that promotes public transit and active transportation. Further, Section 8.8.3 (n) provides urban design and public realm policies that plan for attractive streetscapes meeting the needs of pedestrians, and community connectivity. Section 8.8.3 (5.2.2)

	b) of OPA 9 requires the planning of a large public park.
Chapter 4: Wise Use and Management of Resources	
4.1 Natural Heritage	
4.1.1 Natural features and areas shall be protected for the long term. 4.1.2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. 4.1.3. Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas. 4.1.4. Development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E1; and b) significant coastal wetlands. 4.1.5. Development and site alteration shall not be permitted in: a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; d) significant wildlife habitat; e) significant areas of natural and scientific interest; and f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to	OPA 9 includes objectives to maintain, restore and enhance the long-term ecological integrity and biodiversity of the Natural Heritage System and its ecological and hydrologic functions. As set out in Section 8.8.3 (3) I) of OPA 9, preliminary refinements to the Natural Heritage System have been incorporated into this Plan utilizing mapping and information from the Environmental Impact Assessment (February 2026, and prepared by Natural Resource Solutions Inc.). Further refinements to the Natural Heritage System may occur without amendment to the Official Plan where they are supported by either a Sub-watershed Study, Master Environmental Servicing Plan, Environmental Impact Assessment or equivalent study and approved by the City, in consultation with any appropriate public authority, including the Conservation Authority where it relates to regulated areas. Further, section 8.8.3 (7) d) i) and viii) includes direction that Development and site alteration within or adjacent to hazardous lands shall

policy 4.1.4.b), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. 4.1.6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. 4.1.7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. 4.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. 4.1.9. Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue.	implement the findings of the approved technical studies.
4.2 Water	
4.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by: a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential negative impacts, including cross-jurisdictional and crosswatershed impacts; c) identifying water resource systems; d) maintaining linkages and functions of water resource systems; e) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated	The subject lands do not contain wellhead protection areas, or other features directly associated with the provision of municipal water servicing. Section 8.8.3 (7) d) i) and viii) includes direction that Development and site alteration within or adjacent to natural heritage features shall implement the findings of the approved technical studies. This includes the proposed wetland and habitat restoration/enhancement that is intended to offset the site alterations that affect the existing features. Impacts to water quality will be mitigated

vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions; f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and g) ensuring consideration of environmental lake capacity, where applicable. 4.2.2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches. 4.2.3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water. 4.2.4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities. 4.2.5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.	by the implementation of the stormwater management works as proposed.
4.6 Cultural Heritage and Archaeology	
4.6.1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.	The proponents have completed a Stage 4 Archaeological Assessment for the subject lands. This included the excavation of artifacts that were

4.6.2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved. 4.6.3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved. 4.6.4. Planning authorities are encouraged to develop and implement: a) archaeological management plans for conserving archaeological resources; and b) proactive strategies for conserving significant built heritage resources and cultural heritage landscapes. 4.6.5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.	found on site, and the associated reports conclude that the site is clear of cultural heritage resources. In addition to the policies of the City of Burlington's Official Plan (2020), objectives in 8.8.3 (2) of OPA 9 identify the need to ensure the conservation of cultural heritage and archaeological resources. If any artifacts are found during the construction of the proposed development, the proponents will need to need to notify the appropriate agencies and professionals.
Chapter 5: Protecting Public Health and Safety	
5.1 General Policies for Natural and Human-Made Hazards	
5.1.1 Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	Section 8.8.3 (7) d) i) of OPA 9 includes policies related to Natural Hazards including that Planning for natural hazards shall be in accordance with provincial policies and Section 4.4.2 (2) of this Plan, and Development and site alteration within or adjacent to hazardous lands shall implement the findings of the approved technical studies.
5.2 Natural Hazards	The proposal includes altering the channel of Indian Creek. The implementation of the development proposal will include works associated with ensuring that the flood hazards
5.2.1. Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance. 5.2.2. Development shall generally be directed to	

areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes -St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and c) hazardous sites. 5.2.3. Development and site alteration shall not be permitted within: a) the dynamic beach hazard; b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. 5.2.4. Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. 5.2.5 Despite policy 5.2.3, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems: a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or b) where the development is limited to uses which by their nature must	are appropriately mitigated, and that the work is carried out in compliance with permits issued by Conservation Halton.
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locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

5.2.6. Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is: a) an institutional use including hospitals, long-term care homes, retirement homes, preschools, school nurseries, day cares and schools; b) an essential emergency service such as that provided by fire, police, and ambulance stations and electrical substations; or c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

5.2.7. Where the two zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

5.2.8. Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved: a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;

b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; c) new hazards are not created and existing hazards are not aggravated; and d) no adverse environmental impacts will result.

5.2.9. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest

types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.	
Chapter 6: Implementation and Interpretation	
6.1 General Policies for Implementation and Interpretation	
6.1.5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan. 6.1.7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.	Section 8.8.3 (3) a) of OPA 9 states that The policies of this section shall only apply to those lands shown on Schedule T: 1200 King Road Community, of this Plan, and all policies are to be read in conjunction with the policies of this Plan. In the event of a conflict, the more specific policies shall apply. Section 1.3, Jurisdiction, of the City's Official Plan, 2020, outlines that external policies and plans that will be referred to in conjunction with any interpretation or amendment of the City of Burlington Official Plan include the Provincial Policy Statement, Planning Act, Provincial Land Use and Transportation Plans, the Region of Halton Official Plan, and other government agencies' policies and plans, where applicable, which includes the Conservation Authority.
6.2 Coordination	
6.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower,	A coordinated, integrated and comprehensive approach is referenced throughout OPA 9. Section 8.8.3 (7) b) sets out that the development will be coordinated the city, Halton Region and

single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including: a) managing and/or promoting growth and development that is integrated with infrastructure planning for infrastructure and public service facilities, including schools and associated child care facilities; b) economic development strategies; c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources; d) infrastructure, multimodal transportation systems, public service facilities and waste management systems; e) ecosystem, shoreline, watershed, and Great Lakes related issues; f) natural and human-made hazards; g) population, housing and employment projections, based on regional market areas, as appropriate; and h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans housing policies and plans, including those that address homelessness.	relevant utility providers such that work is undertaken in a manner intended to minimize the impacts of construction on the residents and businesses. Section 1.3, Jurisdiction, of the City's Official Plan, 2020, outlines that external policies and plans that will be referred to in conjunction with any interpretation or amendment of the City of Burlington Official Plan include the Provincial Policy Statement, Planning Act, Provincial Land Use and Transportation Plans, the Region of Halton Official Plan, and other government agencies' policies and plans, where applicable, which includes the Conservation Authority.
6.2.2 Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.	Section 11.1.2 c) of the City's Official Plan, 2020, requires that the City shall engage with indigenous communities and coordinate on land use planning matters including development applications that may affect their interests. First Nations were consulted during the process to establish the City's Official Plan, and have had the opportunity to engage with the process associated with

	removing the Employment Area overlay from the subject lands.
6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.	Section 11.1.2 of the City's Official Plan, 2020, includes policies to require that consultation will take place in a timely manner to ensure an accountable and transparent decision-making process on land use planning matters. Further, policies also outline that the City will provide responses to feedback received, including how feedback has been incorporated into the matter being addressed.
6.2.4 Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.	Section 8.8.3 (7) c) of OPA 9 states that at the time of development, proponents shall collaborate with the City to address public service facility needs. These are identified through City studies including but not limited to, the Parks Provisioning Master Plan, the Live and Play Plan, the Park Dedication Bylaws in effect and the Fire Master Plan, as well as identified Regional, Provincial and School Board needs related to growth.
6.2.7 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.	A coordinated, integrated and comprehensive approach is referenced throughout OPA 9.
6.2.8 Municipalities, the Province, and other appropriate stakeholders are encouraged to undertake a coordinated approach to planning for large	Section 8.8.3 (7) b) sets out that the City will coordinate the timing of its infrastructure projects, including streetscape improvements and future road projects, with upgrades to municipal sewage

areas with high concentrations of employment uses that cross municipal boundaries.	and water networks in collaboration with the Region of Halton to minimize the impacts of construction on the residents and businesses.
6.2.10 Where there is no upper-tier municipality or where planning is not conducted by an upper- tier municipality, planning authorities shall ensure that policy 6.2.9 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.	Section 8.8.3 (7) d) xii) sets out that The City in consultation with Halton Region and other relevant agencies and service providers, shall establish an infrastructure phasing plan or equivalent to demonstrate that the provision of infrastructure and public service facilities are coordinated so that the health and well-being of the community is advanced in a fiscally responsible manner. Section 1.3, Jurisdiction, of the City's Official Plan, 2020, outlines that external policies and plans that will be referred to in conjunction with any interpretation or amendment of the City of Burlington Official Plan include the Provincial Policy Statement, Planning Act, Provincial Land Use and Transportation Plans, the Region of Halton Official Plan, and other government agencies' policies and plans, where applicable, which includes the Conservation Authority.

Appendix G of DGM-28-26: Burlington Regional Official Plan Analysis

The Burlington Regional Official Plan provides clear direction as to how physical development should take place in Halton to meet the current and future needs of its people. It is also intended to reflect their collective aims and aspirations, as to the character of the landscape and the quality of life to be preserved and fostered within Halton. The Plan outlines a long-term vision for Halton's physical form and community character. To pursue that vision, it sets forth goals and objectives, describes an urban structure for accommodating growth, states the policies to be followed, and outlines the means for implementing the policies within its property tax base and other financial resources.

On July 1, 2024, through changes to the *Planning Act*, the Province identified the Region of Halton as an “upper-tier municipality without planning responsibilities”. As a result, the Regional Official Plan is no longer an official plan for the Regional Municipality of Halton. Instead, it has been deemed an official plan of each of the lower-tier municipalities in Halton (City of Burlington, Town of Halton Hills, Town of Milton, and Town of Oakville), until it is revoked or amended by the respective municipality.

Land use planning decisions made by the local municipalities are to be in alignment with the Burlington Regional Official Plan (BROP). Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Relevant Section of the Burlington Regional Official Plan	Staff Response
31. In its vision of planning for Halton's future, Halton believes in building “healthy communities”. A healthy community is one: (3) that is physically so designed to minimize the stress of daily living and meet the life-long needs of its residents; (4) where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community; (5) where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system and non-motorized travel modes;	OPA 9 establishes a vision and policy framework for the King Road Community that would guide the development of the area as a vibrant, mixed use, transit supportive, complete community with future retail innovations and trends, a community recreation and entertainment centre, postsecondary education campus, and significant parks and natural features. A mix of land uses are encouraged to provide a range of opportunities for residents and employment, public service facilities, parks and open spaces that are accessible to all.

34. For certain physical elements of this Plan for which incremental decision-making is practical and desirable, e.g. population and employment forecasts and the supply of land within settlement areas, the planning horizon is the year 2051.	Policy 8.8.3 (3) c) of OPA 9 directs that growth is accommodated in the King Road community to 2051 and beyond.
48. Area-Specific Plans such as secondary plans are to be prepared by the Local Municipalities for settlement areas such as new communities, Strategic Growth Areas and Hamlets in accordance with policies of this Plan.	OPA 9 is the policy framework that implements the Area Specific Plan for the King Road Community.
49. Area-Specific Plans shall be in conformity with Regional and Local Official Plans and be incorporated as amendments to the Local Official Plan.	
77 (4) Require the Local Municipalities to demonstrate with sufficient details, through their respective Official Plans and amendments thereof, how the distribution of population and employment in Table 1, the targets in Table 2 and 2b, and the Regional phasing in Table 2a can be achieved and maintained at all times.	Policy 8.8.3(3) c) establishes that the King Road Community policies shall accommodate approximately 9,000 new units and provide a minimum of 1,500 new jobs with an aspirational goal of 3,000 new jobs supporting the achievement of the targets identified in the BROP.
77. (5) Require the Local Municipalities to prepare Area-Specific Plans or policies for major growth areas, including the development or redevelopment of communities. The area may contain solely employment lands without residential uses or solely a Strategic Growth Area. Such plans or policies shall be incorporated by amendment into the Local Official Plan and shall demonstrate how the goals and objectives of this Plan are being attained and shall include, among other things: a) a general statement of the intended character of the area or community	Section 8.8.3 (1) Vision, of OPA 9 establishes a revised vision for King Road Community to be planned as a vibrant mixed use, transit-supportive, complete community inclusive of social, environmental and economic benefits. Further, Section 8.8.3 (2) lists Objectives for the King Road Community to establish the intended character of the area.
b) boundaries of the area or community	Attachment 3 to OPA 9 is new Schedule T which established the area of the King Road Community.
c) policies for the protection of the Regional Natural Heritage System and for the protection of public health and safety within hazard lands	Section 8.8.3 (2) t) of OPA 9 includes an objective to ensure the protection and enhancement of the Natural Heritage System.

	Further, Section 8.8.3 (3) l) and m) of OPA 9 include policies related to Natural Hazards and direction to zone the lands appropriately for protection.
d) capacity targets of population, housing units and employment, including targets for Affordable Housing,	Section 8.8.2 (3) b) includes population, housing units and employment targets which outline that the King Road Community policies <i>shall</i> plan to accommodate growth to 2051 and beyond, including approximately 9,000 new units and provide a minimum of 1,500 new jobs with an aspirational goal of providing 3,000 new jobs Further, Section 8.8.3 (3) d) includes targets for Affordable Housing, outlining that the King Road Community is expected to accommodate a minimum of approximately 5% of all residential units to be new <i>affordable</i> units.
e) land use patterns that promote mixed-use, compact, transit-supportive, walkable communities, including the locations of local facilities for social, cultural, recreational, educational and religious purposes	OPA 9 presents a vision for King Road Community to be made up of four nodes. Each node has its own vision and will evolve into neighbourhood areas with their own distinct attributes and character. A new infrastructure and mobility network will connect the four nodes to support a <i>complete community</i> that enables residents, workers, students and visitors to easily move around the neighbourhood, accessing a wide range of amenities, services, housing, jobs and transit. Section 8.8.3 (3) e), General Policies, directs that <i>Public service facilities</i> and <i>institutional uses shall</i> be permitted in all districts identified on Schedule T: King Road Community, of this Plan.

	<i>Development applications</i> will determine the location of new public service facilities, institutional uses and parks in each district and the inter-relationships among them.
f) location, types and density of residential and employment lands that contribute to creating healthy communities through: i) urban design ii) diversity of land uses iii) appropriate mix of densities of housing iv) provision of local parks and open space v) strengthening live-work relationship through a proper balance of residential and employment land uses, and vi) promoting active transportation and public transit use	OPA 9 proposes four community nodes within the King Road Community with their own distinct vision that will contribute to creating a healthy complete community: • Campus Node is envisioned to be a focus for institutional uses such as a post-secondary use and supported by retail, service commercial, as well as community and open space, to support the creation of jobs and access to education, with shops and services for employees and visitors. • Residential Node is envisioned to be a new neighbourhood area, providing a range of housing types with complementary community facilities, public spaces and parks. The vision for this residential node is to include a large two-hectare central public park. • Entertainment Node is envisioned to develop into a key destination and be a focus for entertainment uses such as a sports arena and event plaza, supported by retail, <i>service commercial</i> and hotel space. Together, this mix of uses will help develop this node into a unique destination and <i>major trip generator</i> within the local and larger community that is easily accessible by public transit. This Entertainment Node will help promote tourism, economic development and competitiveness,

	as well as the development of a <i>complete community</i>. • Mixed Use Node is envisioned to be a key area for <i>intensification</i> to accommodate residential and <i>employment</i> growth. This node will focus on a diversity of housing types and the creation of mixed-use buildings with residential units, shops, <i>offices</i> and daily/weekly needs, including a centrally located retail square. This node will serve as a community hub with a concentration of community services, amenities and <i>public service facilities</i>, transit, public spaces and active transportation connections, including a pedestrian connection/bridge over Indian Creek. Further, OPA 9 policy 8.8.3 (3) o) states that development shall comply with all applicable policies of the Burlington Official Plan 2020 and be guided by the applicant's submitted Urban Design Brief dated February 2026, as amended. The City <i>may</i> require <i>architectural control</i> to ensure compliance with the Urban Design Brief. This policy will ensure that the high-quality urban design proposed for the development is achieved.
f.1) consideration for land use compatibility in accordance with Regional and Ministry of the Environment guidelines	Section 8.8.3 (2) w) includes an objective to mitigate <i>adverse effects</i> to <i>sensitive land uses</i> from human-made hazards and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution. The Implementation and Phasing Section 8.8.3 (7) of OPA 9 also requires any phased development of lands

	within the King Road Community to conform to BROP policy 77 (5).
g) overall development density for the area or community and, if it is located within the Designated Greenfield Area, how this density will contribute towards achieving the minimum overall development density for Designated Greenfield Areas in the Local Municipality as set out in Table 2 and the Regional phasing as set out in Table 2a,	Policy 8.8.3(3) c) establishes that the King Road Community policies shall accommodate approximately 9,000 new units and provide a minimum of 1,500 new jobs with an aspirational goal of 3,000 new jobs supporting the achievement of the targets identified in the BROP.
h) a transportation network that promotes public transit and active transportation, including a strategy for early introduction of transit services,	OPA 9 presents a vision for the King Road Community to be planned as a vibrant mixed-use, transit-supportive, complete community inclusive of social, environmental and economic benefits. The future mobility network in the King Road Community will provide enhanced mobility and connections to the broader city network and the Aldershot GO Station via an east-west frequent transit corridor that connects King Road to Alayne Bryk Way. The creation of nodes is informed by the creation of a new east-west frequent transit corridor that connects King Road to Alayne Bryk Way and will be further subdivided by future local <i>complete streets</i> and a central trail connection to create a network of connections and future development blocks. Enhanced <i>active transportation</i>, transit service and transportation connections, including infrastructure and transit investments, will support community connectivity between the King Road Community and

	adjacent neighborhoods, as well as the Aldershot GO Station and the rest of the city.
i) development phasing	Section 8.8.3 (7), Implementation and Phasing, outlines policies for the phasing of development, including direction that <i>development shall</i> be phased and coordinated with the provision of <i>infrastructure</i> , and the construction of the proposed east-west street from the King Road Community to Alayne Bryk Way as shown on Schedule T: The King Road Community. Further, Planning Staff are requiring a Phasing Plan to be submitted as part of the future Draft Plan of Subdivision process for the King Road Community.
j) storm water management or, if the scale of development justifies, a Sub-watershed Study as per Section 145(9)	Section 8.8.3 (6), Infrastructure, outlines policies for stormwater management, including direction that development shall be delivered in accordance with Chapter 6 of Burlington Official Plan 2020. Further, the Implementation and Phasing Section 8.8.3 (7) of OPA 9 requires any phased development of lands within the King Road Community to conform to BROP policy 77 (5), including the submission of a Stormwater Management Report.
k) Environmental Impact Assessments, if any part of the Regional Natural Heritage System is affected in an area not covered by a Sub-watershed Study	Section 8.8.3 (2) t) of OPA 9 includes an objective to ensure the protection and enhancement of the Natural Heritage System.

	Further, Section 8.8.3 (3) l) and m) of OPA 9 include policies related to Natural Hazards and direction to zone the lands appropriately for protection.
l) an Air Quality Impact Assessment based on guidelines under Section 143(2.1)	Section 8.8.3 (2) w) includes an objective to mitigate <i>adverse effects</i> to <i>sensitive land uses</i> from human-made hazards and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution. The Implementation and Phasing Section 8.8.3 (7) of OPA 9 also requires any phased development of lands within the King Road Community to conform to BROP policy 77 (5), including the submission of an Air Quality Impact Assessment.
m) water and wastewater servicing plans	Section 8.8.3 (6), Infrastructure, outlines policies for the water and wastewater Infrastructure, including direction development shall be delivered in accordance with Chapter 6 of Burlington Official Plan 2020, which requires connection to municipal sewage and water services in accordance with the Region of Halton's Water and Wastewater Master Plan, as amended. Further, the Implementation and Phasing Section 8.8.3 (7) of OPA 9 also requires any phased development of lands within the King Road Community to conform to BROP policy 77 (5), including the submission of a Functional Serving Report.
n) provision of utilities	Section 8.8.3 (6), Infrastructure, outlines the requirement for utilities to be delivered in accordance with Chapter 6 of Burlington Official Plan 2020 and

	that existing and proposed overhead <i>utilities should</i> be buried, where feasible, within the King Road Community and, where feasible, the integration, combining and grouping of <i>utilities is encouraged</i> at the time of <i>development</i> at the cost of the proponent.
o) A fiscal impact analysis	The Implementation and Phasing Section 8.8.3 (7) of OPA 9 requires any phased development of lands within the King Road Community to conform to BROP policy 77 (5), including the submission of a fiscal impact analysis.
p) a community infrastructure plan, based on Regional guidelines, describing where, how and when public services for health, education, recreation, socio-cultural activities, safety and security and Affordable Housing will be provided to serve the community, and	OPA 9 includes policies to secure several Public Service Facilities and Institutional Uses including: • A Significant <i>institutional or public service facility</i>, including but not limited to a post-secondary use in the Campus Node (Section 8.8.3 (5.1.2) b)) • A large 2 hectare central public park in the Residential Node (Section 8.8.3 (5.2.2) b)) • A significant entertainment use, such as a sports arena with an event plaza in the Entertainment Node (Section 8.8.3 (5.3.2) b)) • A retail square in the Mixed-Use Node (Section 8.8.3 (5.4.2) b)) Further refinement of these Public Service Facilities and Institutional Uses and programming of the uses will be required at the detailed design stage. Further, the Implementation and Phasing Section 8.8.3 (7) of OPA 9 requires any phased development of lands within the King Road Community to conform

	to BROP policy 77 (5), including the submission of a community infrastructure plan.
q) an Agricultural Impact Assessment on potential impact of urban development on existing agricultural operations, including the requirement for compliance with the Minimum Distance Separation formulae where an agricultural operation is outside the Urban Area	Not applicable to this application.
77(6) Require Local Official Plans to specify development phasing strategies within the Urban Area consistent with the policies of this Plan, giving priority to achieving the distribution and Regional phasing as set out in Tables 1, 2, and 2a, development of Strategic Growth Areas, employment lands, infilling and completion of existing neighbourhoods and communities. Each development phase shall support the creation of healthy communities.	1200 King Road is located within the urban area with phasing to 2021 as shown in Map 5 of the BROP. This area will surpass BROP Intensification and Density Target expectations including 76 people jobs per hectare in the Designated Greenfield Area (BROP, Table 2). This area was not considered Designated Greenfield Area at the time of ROPA 49 and these new units have not been reflected in Table 2A Regional Phasing. Work through the Region's allocation program and future work through enhanced growth monitoring will support future phasing as directed to be assessed in complete application policies.
77(15) Require the development industry to absorb its share of the cost of the provision of infrastructure, public service facilities, and human services as permitted by applicable legislation and that any financial impact of new development or redevelopment on existing taxpayers be based on a financing plan communicated to the taxpayers and subsequently approved by Council. Such a financing plan may provide measures such as staging or contingent provisions to demonstrate that the provision of infrastructure and public service facilities under the Joint Infrastructure Staging Plan by Provincial and Federal Governments and other service providers are co-ordinated with those by the Region and Local Municipalities so that the health	These lands are subject to Halton Region's Allocation program. Section 8.8.3(6) of OPA 6 directs that infrastructure shall be delivered in accordance with Chapter 6 of the City's Official Plan. Further, staff are recommending a Holding Provision be placed on the property requiring the owner to enter into an updated Allocation Agreement with the Region addressing the provision of water and wastewater servicing.

and well-being of the community is advanced in a fiscally responsible manner.	
77(16) Require the Local Municipalities to phase development to the year 2051 in accordance with Map 5, Regional Phasing Map, Table 2a Regional phasing, and the policies of this Plan. The progression from one phase to the subsequent phase within a municipality is independent for each municipality and is also independent for employment and residential lands. The preparation, processing and approval of large scale plans such as Area-Specific Plans and the preparation and processing of Zoning By-laws and planning applications for site-specific development, such as applications for draft plan of subdivision approval on lands in the 2022-2051 phase on Map 5 can proceed prior to 2021 but must be in accordance with Section 77(17)	King Road through OPA 9 is being phased in accordance with Map 5 of the BROP.
77(18) Require the Local Municipalities to include in their Official Plans detailed sub-phasing policies to set out additional local requirements for the progression of development from one sub-phase to the next in accordance with the policies of this Plan.	Section 8.8.3 (7), Implementation and Phasing, outlines policies for the phasing of development, including direction that <i>development shall</i> be phased and coordinated with the provision of <i>infrastructure</i>, and the construction of the proposed east-west street from the King Road Community to Alayne Bryk Way as shown on Schedule T: The King Road Community. Further, Planning Staff are requiring a Phasing Plan to be submitted as part of the future Draft Plan of Subdivision process for the King Road Community.
77 (22) Require the Local Municipalities to include in their Official Plans development criteria to ensure that, outside of Employment Areas, the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.	Had 1200 King Road remained in the Regional Employment layer it would have been subject to the Employment DGA target in the BROP of 33 jobs per hectare. Policy 8.8.3(3) c) establishes that the King Road Community policies shall accommodate approximately

	9,000 new units and provide a minimum of 1,500 new jobs with an aspirational goal of 3,000 new jobs supporting the achievement of the targets identified in the BROP. OPA 9 will enable to the City to meet or exceed the employment area density target identified in table 2 of the BROP along with new residents, despite King Road being a new neighbourhood area and no longer being part of the Regional Employment layer.
Housing	
86 (10) Require Local Official Plans and Zoning By-laws to permit additional residential units in new and existing residential development, provided that health, safety and other reasonable standards or criteria (e.g. the provision of parking or adequacy of services) are met, including: a) the use of two residential units in a detached house, semi-detached house or rowhouse; and b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.	Section 8.8.3(5.2.2) e) encourages the development of additional residential units to be built within any single-detached dwellings, semi-detached dwellings or standalone townhouses. Subsection f) further directs the Zoning By-law to establish the development standards that would allow for sufficient space for additional residential units.
86 (10.1) Ensure that the standards or criteria identified in a Local Official Plan or Zoning By-law shall not preclude or prohibit the establishment of additional residential units, as provided for in Provincial legislation, policy or plans.	Although it is envisioned that the King Road Community will be a mixed-use development with mid and high rise built forms, staff have included these policies in the Residential Node in event that a limited number of single-detached dwellings, semi-detached dwellings or standalone townhouses are built.
86 (20) Require the Local Municipalities, in developing phasing strategies, to ensure that a full range and mix of housing types can be provided in each development phase in accordance with Table 2a.	Section 8.8.3 (7), Implementation and Phasing, outlines policies for the phasing of development, including direction that <i>development shall</i> be phased and coordinated with the provision of <i>infrastructure</i>, and the construction of the proposed east-west street from the King Road Community to Alayne Bryk Way as shown on Schedule T: The King Road Community.

	Further, Planning Staff are requiring a Phasing Plan to be submitted as part of the future Draft Plan of Subdivision process for the King Road Community.
86 (22) Require Local Official Plans and Zoning By-laws to permit Special Needs Housing as of right in all residential neighbourhoods subject to reasonable planning standards and design criteria.	Section 8.8.3 (3) h) outlines that additional needs housing is encouraged where residential uses are permitted which includes the Campus, Residential and Mixed Use Nodes. Additional needs housing is aligned with the PPS, 2024.
Urban (Water Supply and Wastewater Treatment) Service	
88. The <i>objectives</i> for <i>urban services</i> are: (1) To provide satisfactory levels of <i>urban services</i> in the Urban Area to meet existing and future requirements.	As part of the complete application submission, the applicant provided an Enhanced Functional Servicing Report and Stormwater Management Plan, prepared by Urbantech, dated February 2026 which was reviewed by Halton Region and Development Engineering staff.
89. It is the policy of the Region to: (1) Provide <i>urban services</i> only within the Regional Urban Boundary as delineated on Map 1 of this Plan, unless otherwise permitted by specific <i>policies</i> of this Plan. (2) Adopt, after consultation with the Ministry of the Environment, <i>Urban Services</i> Guidelines to implement <i>policies</i> of this Plan consistent with Provincial policies. (3) Require that approvals for all new <i>development</i> within the Regional Urban Boundary as delineated on Map 1 of this Plan, be on the basis of connection to <i>Halton's</i> municipal water and wastewater	Halton Region staff have reviewed the submitted materials and advise that there is insufficient service allocation for the proposed development with the current service allocation estimated to support between 1,921 to 2,614 units. Therefore, Regional staff are requesting a Holding Provision be placed on the property until the owner has secured the appropriate amount of water and wastewater under the Region of Halton Allocation Program and a revised Enhanced Functional Servicing Report addressing requirements for water and wastewater is submitted. Planning Staff are recommending these Holding Provisions be placed on the property to ensure the

systems, unless otherwise exempt by other <i>policies</i> of this Plan.	development can be properly serviced and address the Region's servicing concerns.
Natural Heritage System	
Natural Heritage 114. The goal of the Natural Heritage System is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations.	Section 8.8.2 (7.2) a) of OPA 9 sets out that the Natural Heritage System is to be integrated into the King Road Community to preserve and enhance biological diversity and ecological functions. Within the King Road Community, the Natural Heritage System is depicted on Schedule T: King Road Community, of this Plan.
116.1 The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through: b) an individual Environmental Impact Assessment accepted by the Region, as required by this Plan; or c) similar studies based on terms of reference accepted by the Region. Once approved through an approval process under the Planning Act, these refinements are in effect on the date of such approval. The Region will maintain mapping showing such refinements and incorporate them as part of the Region's statutory review of its Official Plan.	Section 8.8.3 (3) m) of OPA 9 sets out that within the King Road Community, the Natural Heritage System is depicted on Schedule T: King Road Community, of this Plan. Further refinements to the Natural Heritage System may occur without amendment to this Official Plan upon acceptance of an Environmental Impact Assessment or equivalent study and approved by the City, in consultation with any appropriate public authority, including the Conservation Authority where it relates to regulated areas.
118 (3.1) c) Set the criteria for the requirement of an EIA for proposed developments and site alterations as follows: c) all other developments or site alterations, including public works, that are located wholly or partially inside or within 120m of the Regional Natural Heritage System.	An Environmental Impact Assessment (EIA), prepared by Natural Resource Solutions Inc, dated February 2026, was submitted in support of the applications. The EIA evaluated the potential impact of the proposed development on key natural heritage features including wetlands, candidate significant woodlands, species at risk habitat and surface drainage features.

	Conservation Halton (CH) reviewed the submitted EIA and have requested a revised study to confirm that the proposed creek and hazard alterations and development activities within the regulated areas meet the regulation requirements of Conservation Halton. Conservation Halton staff recommends the full regulated area be designated and zoned for protection. Community Planning Staff also reviewed the submitted EIA and are generally supportive of the EIA conclusions, however there are still outstanding matters that need to be addressed before the EIA can be finalized, including: • Additional modelling to ensure that the proposed wetlands and their connection to the stormwater management infrastructure will allow the feature to function properly; • Revised quantification table showing the VPZ and buffer encroachments identifying the specific features and buffers that will be affected, the nature of the encroachments and the total area of impact needs to be submitted. • Further investigation needs to be carried out to ensure that the erosion potential that would result from the proposed development, before staff can accept the recommendations from GEO Morphix. • Additional monitoring wells throughout the western portion of the site are necessary prior to acceptance of the revised RNHS boundaries and acceptance of the wetland impact analysis.
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	• Confirmation that the existing acoustic monitoring data is sufficient to support an assessment for Hoary Bat, Eastern Red Bat, and Silver-haired Bat under the ESA/SCA Staff are of the opinion that the above noted matters will be addressed once the final Environmental Impact Assessment and hydrologic and hydraulic modelling assessment are submitted. Staff are therefore recommending that a holding provision be placed on the property to resolve the outstanding environmental matters. In the absence of a final EIA and supporting environmental reports, City Planning staff are also recommending that the areas adjacent to the proposed Indian Creek realignment be zoned Open Space O2 Zone to protect the natural heritage features on site. Once staff receive and approve the final EIA further refinements of the Open Space zone boundaries can be revised through delegated authority and future draft plan of subdivision conditions. This approach will ensure that the natural features are protected in the interim and provides a process to implement the final results of the EIA.
(7) Obtain, or encourage the Local Municipalities, <i>Conservation Authorities</i> and other <i>public agencies</i> to obtain, through the <i>development</i> approval process and as permitted by legislation, parts of the Regional Natural Heritage System.	The subject lands are traversed by three watercourses including Grindstone Creek and Falcon Creek on the western portion of the property and Indian Creek on the eastern portion of the property. These lands form part of the Regional Natural Heritage System and will be dedicated to the City of Burlington through the future Draft Plan of Subdivision process.

(11) Require that Local Zoning By-laws prohibit new construction and the expansion or replacement of existing non-conforming uses within <i>hazard lands</i>, except where specifically exempted or identified as a Special Policy Area in the Local Official Plan. Special Policy Areas, including any policy or boundary changes thereto, must be approved by the Minister of Natural Resources and the Minister of Municipal Affairs and Housing prior to municipal adoption.	Planning Staff are recommending that the hazard lands identified on Schedule A of the Draft Zoning By-law Amendment be zoned Open Space (O2) to protect and preserve the hazard lands. This zone will allow for limited development of structures related to the open space use such as a pavilion or gazebo. As noted above, further refinement of the Open Space (O2) zone can be implemented through the approval of an Environmental Impact Assessment.
Part IV Healthy Communities Policies Environmental Quality	
140. The goal for environmental quality is to achieve a high-quality environment, for this and future generations, that will sustain life, maintain health and improve the quality of living.	OPA 9 sets a policy framework for the King Road Community to be planned as a vibrant mixed-use, transit-supportive, complete community to meet several objectives such as creating a complete, compact and environmentally <i>sustainable</i> community, with a mix of uses in walking distance of transit (Section 8.8.3 (2) b).
143 (9) Require proposed <i>development</i> adjacent or in proximity to railway lines or railway yards to undertake, prior to <i>development</i> approval, the following studies by qualified consultants in accordance with Provincial policies, to the satisfaction of the <i>Region</i>, the Local Municipality and the Ministry of the Environment, and in consultation with the appropriate railway agency, and to implement the study recommendations, as approved, including the restriction of new residential and other <i>sensitive land uses</i>: a) noise studies, if the <i>development</i> is within 300m of a railway right-of-way or 1000m of a railway yard;	The applicant submitted an Environmental Noise Assessment, prepared by Valcoustics Canada Ltd., dated December 20, 2024, and Land Use Compatibility Study prepared by RWDI, dated February 27, 2026, which were peer reviewed by Dillon Consulting. A Vibration Assessment was not submitted as part of the subject applications, however the applicant submitted a Noise and Vibration response letter, prepared by Trinity Consultants – Valcoustics (VAL), dated May 27, 2026, to address the peer review noise and vibration comments.

b) vibration studies, if the <i>development</i> is within 75m of a railway right-of-way or a railway yard; and c) air quality studies, if the <i>development</i> contains <i>sensitive land uses</i> and is within 1,000m of a railway yard.	Dillon Consulting has reviewed the materials and advised that sensitive land uses can be supported on site, however a revised Noise and Vibration Study should be submitted that evaluates the location of the Outdoor amenity areas and determination of the appropriate minimum separation distance from the rail yard right-of-way and any possible mitigation measures. Canadian National Railway reviewed the above noted materials and advised the FCM-RAC Guidelines state that sensitive uses should be prohibited within 300 m of a freight rail yard's limits. The submitted Land Use Compatibility Study recognizes that the Aldershot Yard is a Class III industry under the D-6 Guidelines and that Class III industry separation distance with sensitive use should be 300 m with the study recommending that a more detailed Rail Assessment Study be completed to determine the appropriate minimum separation distance from the rail yard right-of-way. As there are still outstanding matters related to noise and vibration within proximity of the railway, City Planning Staff are recommending a Holding Provision be placed on properties within 75 metres of the railway right-of-way that cannot be lifted until these studies are approved and the appropriate setback to sensitive land uses is determined.
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	Staff note that the requested Railway Assessment can be completed through the draft plan of subdivision stage.
143 (12) Achieve land use compatibility between <i>sensitive land uses</i> and <i>major facilities</i> by: a) requiring that such uses are planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential <i>adverse effects</i> from odour, noise, vibration, air pollutants, and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of <i>major facilities</i>, in accordance with Provincial guidelines, standards, and procedures; b) where avoidance is not possible, protecting the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent <i>sensitive land uses</i> are only permitted if the following are demonstrated through appropriate studies in accordance with Provincial guidelines, standards and procedures: [i] there is an identified need for the proposed use; [ii] alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; [iii] <i>adverse effects</i> to the proposed <i>sensitive land use</i> are minimized and mitigated; and	The applicant was required to submit a Land Use Compatibility Study, Transportation Related Air Pollutants Study, Environmental Noise Feasibility Study, and Vibration Assessment with the subject applications. The studies were reviewed by an external peer reviewer, who concluded that for the purposes of the Official Plan and Zoning By-law Amendment stage, sensitive land uses can be supported on site. Additional review will be required through the draft plan of subdivision and site plan stage to determine appropriate mitigation measures and warning clauses for the proposed development. Revised studies addressing Development Engineering and the peer reviewer will also be required. As noted above, there are still outstanding matters related to noise and vibration within proximity of the railway. Therefore, City Planning Staff are recommending a Holding Provision be placed on properties within 75 metres of the railway right-of-way that cannot be lifted until these studies are approved and the appropriate setback to sensitive land uses is determined.

[iv] potential impacts to industrial, manufacturing or other uses are minimized and mitigated; and c) requiring an air quality study based on guidelines under Section 143(2.1) for <i>development</i> proposals with <i>sensitive land uses</i> located within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan.	
146 (17) Require that, prior to the <i>Region</i> or Local Municipality considering any <i>development</i> proposals, the proponent undertake a process in accordance with the <i>Region's</i> Guidelines (Protocol) for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites and any applicable Provincial legislation, regulations and guidelines to determine whether there is any potential contamination on the site and the steps necessary to bring the site to a condition suitable for its intended use	The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ), a Phase One Environmental Assessment (ESA) and Phase Two Environmental Assessment (ESA). The Phase Two ESA concluded that contaminants of potential concern were found in all soil, groundwater and sediment samples. Additional investigations, remediation/risk assessments (RA) may be required before a record of site condition can be filed for the property. As additional investigations and remediation/risk assessments may be required before a record of site condition can be filed for the property, staff are recommending that this be addressed at the future draft plan of subdivision stage. The applicant will be required to submit revised Phase One and Two ESAs that are valid within the last 18 months and a letter from a qualified professional confirming that the outstanding contamination matters are addressed and the lands are suitable for development.
Human Services	

152 (2) Require the Local Municipalities in their preparation of Area-Specific Plans or Official Plan policies related to intensification and proponents of major development in submitting their applications, to have regard for the Healthy Communities Guidelines.	Section 7.4.1 h) of the City’s Official Plan, 2020, sets out that proponents of major development shall have regard for Region of Halton Healthy Communities Guidelines.
Cultural Heritage Resources	
165. The <i>goal</i> for <i>Cultural Heritage Resources</i> is to protect the material, cultural and built heritage of <i>Halton</i> for present and future generations.	As part of the development applications, the applicant submitted a Stage 1-2 Archaeological Assessment, Stage 2 Archaeological Assessment, a Stage 3 Archaeological Assessment of Falcon Creek I and II, Stage 4 Mitigation of Development Impacts Falcon Creek I and Stage 4 Mitigation of Development Impacts Falcon Creek II. The Stage 1-2, Stage 2 and Stage 3 Archeological Assessments identified three archaeological sites near Falcon Creek and recommended Stage 4 mitigation including salvage excavation. The Stage 4 mitigation was undertaken with representatives from local Indigenous communities, including the Mississaugas of the Credit First Nation (‘MCFN’), the Six Nations of the Grand River First Nation (‘SNGR’), and the Haudenosaunee Development Institute (‘HDI’). Heritage Planning Staff have reviewed the submitted Archaeological Assessments and agree with the conclusions of the reports. Staff are in receipt of the Ministry’s Archaeology Program Unit review which confirm the sites can be considered clear of further archaeological concern.
165 (6) Prior to <i>development</i> occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan	
Transportation	
171. The goal for transportation is to provide a safe, convenient, accessible, affordable and efficient transportation system in Halton, while minimizing the impact on the environment and promoting energy efficiency.	The policies of OPA 9 direct for the implementation of a multi-modal transportation network that complies with the Official Plan classification of transportation

171. (2) To develop a balanced transportation system that: a) reduces dependency on automobile use; b) includes a safe, convenient, accessible, affordable and efficient public transit system that is competitive with the private automobile; and c) promotes active transportation	facilities and public right of way widths and the Region's most up to date Transportation Master Plan. As part of the development applications, the applicant submitted a Transportation Impact Study and Transportation Demand Management Study, prepared by TYLin, dated March 2026. Transportation Planning staff and the city's external peer reviewer have reviewed the submitted materials and determined that additional review is required to support the proposed parking rates and proposed trip generations for the site. City Planning staff also require confirmation from Metrolinx and MTO that they have no objections to the proposed Street 'A' connection to Alayne Bryk Way. For the reasons noted above, City Planning Staff are recommending that a Holding Provision be placed on the property to ensure the outstanding transportation matters are addressed.
171. (9.1) To ensure development is designed to support active transportation and public transit. (9.2) To integrate transportation planning, land use planning and investment in infrastructure. (10) To promote land use patterns and densities that foster strong live-work relationships and can be easily and effectively served by public transit and active transportation. (12) To support the provision of public transit service, within reasonable walking distance and at reasonable cost, to all sectors of the public, including persons with a physical disability.	OPA 9 sets a policy framework for King Road to be planned as a vibrant mixed-use, transit-supportive, complete community to meet several objectives such as: • To create a complete, compact and environmentally <i>sustainable</i> urban village in accordance with the vision, with a mix of uses supported by high quality public transit and convenient <i>multi-modal</i> connections to the

(13) To ensure that the planning, <i>development</i> and design of the transportation system take into account social, economic and environmental factors as well as the needs of the agricultural community and consider, where appropriate, alternative design standards consistent with <i>policies</i> of this Plan.	Aldershot GO MTSA (Section 8.8.3 (2) b) of OPA 9) • To ensure that streets in the residential districts are calmed, complete and function as a positive addition to the quality of life of the residents including structural and design features that control traffic including potentially reduced speed limits for all internal; (Section 8.8.3 (2) g) of OPA 9) • To ensure that pedestrians, cyclists, persons with disabilities, and children will feel safe on the streets, setting the tone of the community as safe and desirable; (Section 8.8.3 (2) i) of OPA 9) • To create a built environment that achieves walkability, high-quality public spaces and design excellence (Section 8.8.3 (2) n) of OPA 9)
173 (20) Require the Local Municipalities to provide in their Official Plan or appropriate Area-Specific Plans: a) policies related to the provision of transit service addressing general locations and anticipated levels of service, b) transit-supportive corridors with appropriate policies and Zoning By-laws to encourage active transportation and transit usage, and	Section 8.8.3 (6) of OPA 9 includes policies for the proposed new local streets within the development including the required right-of-way widths and guidance on complete streets which will be designed to prioritize pedestrians, cyclists and transit, using traffic calming strategies such as slower speeds and mid-block connections to ensure safety and enhance the overall accessibility of the area

c) a network of active transportation facilities in the Urban Area(s) that serves a transportation function and provides convenient access to Intensification Areas and transit routes.	Further, Section 8.8.3 (6.1) of OPA 9 identifies that the City shall implement transit corridors in accordance with Schedule T-1 as part of the broader Frequent Transit Corridor network of the City as shown in Schedule B-1 of the Official Plan. The City shall plan for and implement additional transit routes and increased frequency to support population and employment growth in the King Road Community and to enhance connections to the Aldershot GO Station and other areas of the City.
173 (7) In conjunction with the Province and the Local Municipalities, establish, and require proposed <i>developments</i> to comply with, minimum setback standards, parking provision <i>policies</i>, access control <i>policies</i>, and applicable design criteria for major transportation facilities in <i>Halton</i> consistent with the function and design criteria as described in Table 3.	The proposed development is bounded by Highway 403 to the north and the Canadian National Railway to the south. The Ministry of Transportation has advised that a 14 metre setback is required for all lands that abutting their property. City Planning Staff have included a provision in the draft Zoning By-law found in Appendix E to account for the 14 metre setback for the lands abutting the Highway 403 corridor.
173 (32) Require proposed <i>development</i> adjacent or in proximity to railway lines/yards/terminals or within railway rights-of-way to ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the <i>Region</i> and the Local Municipality to mitigate any safety concerns by the railway agency and/or abutting residents.	Appropriate safety measures such as berms and security fencing will be determined through the draft plan of subdivision process in consultation with CNR. As noted above, the appropriate setback to the railway right of way will be determined through the revised noise and vibration study. City Planning Staff are recommending a Holding Provision be placed on the property to ensure this matter is addressed.

Appendix H: Zoning By-law Analysis

The subject property is currently zoned Business Corridor (BC1 and BC1-471), Commercial Employment (CE-412), General Employment (H-GE1-410), Mixed Use Corridor - Employment (H-MXE-411) and Open Space (O2) in Zoning By-law 2020. These zones prohibit residential uses and permit a limited amount of retail, service commercial, and employment uses with the exception of the BC1-471 zone, which prohibits all uses except industrial and office uses. Through Regional Official Plan Amendment 49, the lands known as 1200 King Road were taken out of the Regional Employment Area overlay, which set the stage for residential land uses to be permitted.

The western half of the property is subject to former Zoning By-law 4000-3 and zoned T-MR3. The MR3 zone permits a wide range of industrial and employment uses. Staff are recommending that these lands be removed from By-law 4000-3 and rezoned to the appropriate King Road Mixed Use zone categories as identified in Appendix E – Draft Zoning By-law Amendment. A future housekeeping amendment will be required to remove the 1200 King Road lands from By-law 4000-3.

The applicant initially proposed the lands to be rezoned to Mixed Use Corridor – Commercial and Open Space under Zoning By-law 2020; however, through review of the applications staff is recommending that five new mixed use zones be created for the King Road Community to align with proposed Official Plan Amendment 9 found in Appendix D. The mixed use zones proposed for the development are:

- Mixed Use King Road 1 (MUKR1) – implements the Mixed-Use Node permissions including a centrally located retail plaza;
- Mixed Use King Road 2 (MUKR2) – implements the Residential Node townhouse permissions;
- Mixed Use King Road 3 (MUKR3) – implements the Residential Node high density residential permissions, including a large centrally located 2-hectare public park;
- Mixed Use King Road 4 (MUKR4) – implements the Entertainment Node permissions including the arena with event plaza and community/convention centre;
- Mixed Use King Road 5 (MUKR5) – implements the Campus Node permissions including the private or public College or University;

City Planning Staff are recommending modified approval of the applications as shown in the following tables:

Part 1 Proposed Amendments

Zoning Regulation	Applicant's Proposed By-law	Staff Recommended Part 1 Amendments
Additional Residential Units	N/A	General Conditions and Provisions, is amended by revising Subsection 2.21(u), "Uses Permitted in All Zones", "Additional Residential Units, bullet point #1, to include "MUKR1, MUKR2, MUKR3 and MUKR5" zones
Staff comment: Proposed Official Plan No. 9 includes policies for the provision of additional residential units. City Planning Staff recommend adding the MUKR zones that permit residential uses to align with proposed Official Plan Amendment No. 9 and the Burlington Housing Strategy.		
Outdoor Patios		Part 1 of By-law 2020, as amended, General Conditions and Provisions, is amended by revising Subsection 2.21(v) (iv), "Uses Permitted in All Zones", "Outdoor Patios", to include "MUKR1, MUKR3, MUKR4 and MUKR5" zones
Staff comment: Outdoor patios are permitted in all zones, subject to site specific criteria in Part 1, 2.21 (v) of Zoning By-law 2020. City Planning Staff recommend including the MUKR1, MUKR3, MUKR4 and MUKR5 zones to Part 1, subsection 2.21(v) (iv) to permit rooftop patios.		

Part 16 Proposed Amendments

Zoning Regulation	Applicant's Proposed By-law	Staff Recommended Part 16 Amendments
Definitions	N/A	Campus Facility: A building or structure providing residential dwelling units, office, entertainment or recreational uses which are exclusively devoted to a permitted College or University (public or private) within a MUKR1, MUKR3 or MUKR5 zone. Dwelling units may or may not provide exclusive kitchen and/or bathroom facilities.

Staff comment: Staff are recommending adding a new definition to the Zoning By-law for the proposed Campus Facility. The current Zoning By-law does not have a definition for a campus, university or college use. This definition will characterize the proposed use in such a way that it recognizes key elements of a post-secondary campus; uses associated with instructing/teaching, office space for the instructors, space for the attendees to engage with extracurricular activities, and opportunities for residence buildings to be developed onsite.		
Definitions	N/A	Arena: A publicly or privately owned facility with a minimum gross floor area of 10,000m ² used primarily for the viewing of live sports or artistic/entertainment related performance, and may include additional programming such as trade shows, conventions, or recreational uses within a MUKR4 zone.
Staff comment: Staff are recommending adding a new definition to the Zoning By-law for the proposed Arena. The current Zoning By-law does not have a definition that recognizes the nature and scale of the proposed arena, while distinguishing the use from other instances where arenas are permitted in order to avoid unintended compliance issues.		

Mixed Use King Road 1 (MUKR1) Zone

Zoning Regulation	Proposed MXC-XXX1 and MXC-XXX2	Staff Recommended MUKR1
Permitted Uses	• All uses permitted in the MXC Zone • Farmer's Market • Elevated Parking Facility • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling	• All uses permitted in the MXC zone, excluding automotive and industrial uses • Farmer's Market • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling

		• Hotel • Campus Facility • Recreation uses permitted in MXC zone
Staff comment: Staff are recommending that the permitted uses chart be modified to exclude automotive and industrial uses to reduce the potential for incompatible land uses to be established in the community. The additional permitted uses that Staff are recommending be permitted are intended to reflect the desire for opportunities in terms of the uses that may be located on the site. Staff are satisfied that compatibility issues are not likely and support the notion to allow a breadth of permitted uses for this portion of the site.		
Minimum and Maximum Yard abutting a street	• Minimum yard abutting any street: 1.5 m • No maximum yard requirement to a street applies	• Yard abutting any street: 1.5 m • Maximum yard abutting a street: ○ First and second storey: 5 m ○ All other storeys: No maximum ○ Notwithstanding 7.2 (b)(i), the maximum yard shall only apply to building elevations located within 7 m of Streets 'A' and 'B' as shown on Diagram 2 in Section 12
Staff comment: Staff are recommending a maximum building yard setback of 5 metres to the first and second storey of a building to ensure a consistent street frontage and building setback. Staff have also included a provision to allow for site specific variations where buildings that are setback farther than 7 metres will not be impacted.		
Building Setback from a Creek Block	• 5.5 m	• 5.5 m
Staff comment:		

No modification to the applicants' proposed amendment is recommended.		
Lot Width Definition	N/A	Notwithstanding the definition of Lot Width, Development Area 4 as shown on Diagram 2 may have its lot width measured from the longest property line abutting a street
Staff comment: Development Area 4 is bounded by proposed Street 'B' and King Road. The King Road frontage has a lot width of approximately 18 metres whereas the by-law requires a minimum of 25 metres. As the definition of lot width would require the measurement to be taken from King Road and not proposed Street 'B', City Planning Staff are recommending this modification to allow for the lot width to be measured from the proposed Street 'B' to avoid any future compliance issues with the Lot Width definition.		
Floor Area and Floor Area Ratio	- Maximum Floor Area Ratio: 6.8:1 - No maximum non-residential Gross Floor Area applies.	- Maximum Gross Floor Area as required in Table 5.12.1 and Diagram 2 in Section 12 of this By-law: - Development Area 1: 4:1 - Development Area 2: 6:1 - Development Area 3: 1.5:1 - Development Area 4: 6.5:1 - Development Area 6: 3.6:1 - Development Area 7: 3.6:1 - No maximum non-residential Gross Floor Area applies.
Staff comment: Through the review of the applications, it was determined that new mixed use zones would be created for the King Road Community. Therefore, City Planning Staff are recommending a Maximum Gross Floor Area for each Development Area		

in the MUKR1 zone. As the proposed development is still at a conceptual stage, staff have coordinated with the applicant and provided some flexibility in the proposed FAR rates to account for any modifications at the detailed design stage.

The applicant has also requested that the maximum non-residential gross floor area not apply to this zone. Staff have no objections to this modification as staff encourage large non-residential gross floor areas with no floor area restrictions in this zone. Eliminating this requirement will allow for the creation of large-scale non-residential uses such as a grocery store or community space.

Building Heights	• Maximum Building Height: 39 storeys, exclusive of a mechanical penthouse or mezzanine level	• Minimum and Maximum Height as required in Table 5.12.1 and Diagram 2 in Section 12: ○ Development Area 1 ▪ Minimum Height: 2 storeys ▪ First and Second Floor: 4.5 m ▪ Maximum Height: 25 storeys ○ Development Area 2 ▪ Minimum Height: 2 storeys ▪ First and Second Floor: 4.5 m ▪ Maximum Height: 30 storeys ○ Development Area 3 ▪ Minimum Height: 2 storeys ▪ First and Second Floor: 4.5 m ▪ Maximum Height: 11 storeys ○ Development Area 4 ▪ Minimum Height: 2 storeys ▪ First and Second Floor: 4.5 m ▪ Maximum Height: 38 storeys ○ Development Area 6 ▪ Minimum Height: 2 storeys ▪ First and Second Floor: 4.5 m
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		▪ Maximum Height: 12 storeys ○ Development Area 7 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 11 storeys
Staff comment: As noted above, staff are recommending the creation of new mixed-use zones for the King Road Community to implement the policies and vision of Official Plan Amendment 9. Therefore, staff are recommending a minimum and maximum height requirements for the Development Areas in the MUKR1 zone to align with the proposed maximum height permissions of OPA 9. City Planning staff have no objections to the proposed minimum and maximum building heights but note that a holding provision will be placed on all MUKR1 zones that cannot be removed for buildings exceeding 11 storeys in height until the required height threshold criteria are met. The holding provision will be removed when specific requirements are met for developments up to 11 storeys, 12 - 30 storeys, and greater than 31 storeys. Each of these height groupings have requirements that are specific to the concerns that need to be addressed at a building-specific level prior to the removal of the recommended holding provisions.		
Height Variation and Height Restriction	N/A	• Notwithstanding the maximum building height permitted in Table 5.12.1, where multiple buildings greater than 12 storeys are

		permitted within the same lot, the following shall apply ○ A minimum height variation of 4 storeys shall be provided between adjacent buildings. ○ No two buildings on the same lot or with a shared podium shall have the same building height.
Staff comment: City Planning staff are recommending a minimum height variation of 4 storeys for buildings greater than 12 storeys within the same lot and that no two buildings on the same lot or within a shared podium can have the same height. This modification will implement the vision and objectives of Official Plan Amendment 9, by establishing a range of building typologies and heights and providing a distinct and varied skyline throughout the development.		
Parking Requirements	• Minimum Parking Rate: ○ Residential occupant: 0.75 parking spaces per unit ○ Residential visitor: 0.05 parking spaces per unit ○ Retail: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area • Parking in a mixed-use building, defined as a development which contains any combination of office, retail/service commercial, restaurant and/or overnight accommodation uses which shares parking on the same lot, shall be	• Minimum Parking Rate: ○ Residential occupant: 0.75 parking spaces per unit ○ Residential visitor: 0.05 parking spaces per unit ○ Retail store: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area • Parking spaces are not permitted above the third storey of a building • The Retail Centre parking rate shall not apply

	calculated based on the requirement for each use	
Staff comment: Transportation Planning Staff have no objections to the proposed parking rates but planning staff note that a holding provision will be placed on all MUKR1 zones until such time as a revised Transportation Impact Study (TIS) and Transportation Demand Management (TDM) Report is provided and approved by Transportation Planning Staff. While the holding provision is in place, the MUKR1 zone parking rates and standards will be subject to Part 1, Subjection 2.25 and 2.26. Once the holding provision is lifted from the property subject to revised and accepted TIS and TDM reports, the parking rates noted above would become applicable. Staff are recommending that parking spaces be permitted in the first and second storey of a building podium. This will allow flexibility for the location of parking spaces on site. If parking spaces are proposed within the podium, staff will require the podium to have an integrated design where it does not look like an above ground parking garage. Mitigation measures such a decreasing light trespass and noise/odour will also be required at the Site Plan stage. The applicant requested that all parking in a mixed-use building be calculated based on the requirement for each use. Staff are recommending the requested provision be replaced with the provision proposed by staff. This will achieve the same goal as the applicant's request but use the language of Zoning By-law 2020. Staff have no objection to this modification and are supportive.		
Bicycle Parking Requirements	N/A	• In addition to the requirements of Part 1, 2.26 (10), the following shall apply: ○ Residential Bicycle Parking Rates: ▪ 0.1 short term bicycle parking spaces per unit ▪ 0.5 long term bicycle parking space per unit ○ Bicycle Parking Standards: ▪ Long term bicycle parking spaces are bicycle parking spaces for use by the

		occupants, employees or tenants of a building, and must be located in a building. ▪ Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. ▪ Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. ○ Bicycle Parking Space Size: ▪ Horizontal space: 0.6 m x 1.8 m ▪ Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall ▪ Vertical space: 1 m x 0.6 m
Staff comment: The City's Zoning By-law 2020 does not currently have zoning provisions for residential bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location, and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and the new City of Burlington Zoning By-law 09-2026.		
Drive Through Facilities	N/A	• Drive-through facilities are only permitted in conjunction with a permitted retail or service commercial use

		Notwithstanding 7.6 (a), drive-through facilities are only permitted in Development Areas 1, 2 and 4 as shown on Diagram 2.
Staff comment: Through the review of the applications, the applicant requested to have drive-through facilities be permitted on an interim and limited basis within the development to allow development to proceed as an interim step before the final vision for the site is realized. Planning Staff are recommending that drive-through facilities only be permitted in conjunction with a permitted retail or service for commercial use and that they be limited to Development Areas 1, 2, and 4. This modification will allow drive-through facilities to be permitted on site before the rest of the area develops but limits them to the three areas along King Road. Staff are supportive of this modification as it will allow for the flexibility of permitting drive-through facilities along the three King Road properties while the remainder of the subject lands can only establish the permitted use through a subsequent Planning Act application.		
Loading and Unloading	Loading spaces may be shared between mixed-use buildings.	Notwithstanding Part 1, Section 2.25.3 one off-street loading space is required on a lot and may be shared between buildings.
Staff comment: City Planning staff have no objection to the proposed amendment but are recommending revised wording to clarify that the loading space can be shared on the same lot between any building instead of just a mixed-use building. This revision will provide clarity at the implementation stage.		
Landscape Area and Buffer	- The minimum landscape area abutting a street or creek block: 1.5m - A walkway may encroach into a required landscape area abutting a street	Minimum landscape area abutting a street or creek block does not apply.

Staff comment: The applicant requested a reduced landscape area of 1.5 metres abutting a street or creek block. Through the review of the applications, it was determined that the landscaping area abutting a street and creek block would have more of an urban context with hardscaping with some landscaping instead of a consistent landscape area as required in the by-law. Therefore, staff are recommending that this regulation not apply to the MUKR1 zone. Staff note that street trees and landscaping will be provided along every street frontage within the development and will be designed through the future subdivision / site processes.		
Amenity Area	15 m² per dwelling unit	15 m² per dwelling unit
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Doors	N/A	A pedestrian accessible door is not required along King Road for Development Area 4 as shown in Diagram 2
Staff comment: The Zoning By-law requires a pedestrian accessible door along all street frontages. Development Area 4 is an irregularly shaped lot with limited frontage along King Road. Staff are recommending this provision not apply to this portion of the street frontage in order to reduce the interaction with King Road and keep the activation of the street frontage contained to the interior of the site.		

Mixed Use King Road 2 (MUKR2) Zone

Zoning Regulation	Proposed MXC-XXX6	Staff Recommended MUKR2
Permitted Uses	All uses permitted in the MXC Zone	Street Townhouses

	• Farmer’s Market • Elevated Parking Facility • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling	• Back-to-back Townhouses • Stacked Townhouses • Apartment Building • Retirement Home	
Staff comment: Staff are recommending that the permitted uses chart be modified to permit the desired residential uses within this portion of the site. Scoping the uses reduces the potential of land use compatibility concerns in the future and clarifies the intended nature of the development for this portion of the site.			
Minimum and Maximum Yards	• Minimum yard abutting any street: 1.5 m • No maximum yard requirement to a street applies	Street, stacked and back-to-back townhouses	Apartment Building
		• Yard abutting a street: 1.5 m • Maximum yard abutting a street as shown on Diagram 2 in Section 12: ○ Street ‘A’: 5 m ○ Street ‘B’: 10 m ○ The maximum yard shall only apply to building elevations located within 10m m of streets A and B as shown on	• Yard abutting a street: 1.5 m • Maximum yard abutting a street ○ First and second storey: 3 m ○ All other storeys: no minimum ○ The maximum yard shall only apply to building elevations located within

		Diagram 2 in Section 12	10m of streets A and B as shown on Diagram 2 in Section 12
Staff comment: Staff have no objection or modification to the proposed minimum yard setback abutting a street. Staff are recommending a maximum building yard setback of 5 metres along Street 'A' and 10 metres along Street 'B' of any proposed townhouse building to ensure a consistent street frontage and building setback. Staff have also included a provision to allow for site specific variations where buildings that are setback farther than 10 metres will not be impacted, allowing flexibility in the provision while achieving a consistent street frontage. Staff are recommending a maximum building yard setback of 3 metres to the first and second storey of an apartment building to ensure a consistent street frontage and building setback. Staff have also included a provision to allow for site specific variations where buildings that are setback farther than 10 metres will not be impacted, allowing flexibility in the provision while achieving a consistent street frontage.			
Rear Yard:	• 5 m	• 5 m	
Staff comment: No modification to the applicants' proposed rezoning is recommended.			
Yard Abutting a P zone	• 5 m	• 5 m	
Staff comment: No modification to the applicants' proposed rezoning is recommended.			

Floor Area and Floor Area Ratio	Maximum Floor Area Ratio: 1.9:1	- Maximum Gross Floor Area as required in Table 5.12.1 and Diagram 2 in Section 12 of this By-law: - Development Area 10 - Townhouse: 1.5:1 - Apartment Building: 3.6:1
Staff comment: Through the review of the applications, staff are recommending that new mixed-use zones be created for the King Road Community. Planning Staff are recommending a Maximum Gross Floor Area for each Development Area in the MUKR2 zone. As the proposed development is still conceptual, staff have coordinated with the applicant and provided some flexibility in the proposed FAR rates to account for any modifications at the detailed design stage.		
Minimum and Maximum Building Height	- Base building heights in the MXC zone - Minimum Height: 2 storeys - Maximum Height: 6 storeys	- Minimum and Maximum Heights as required in Table 5.12.1 and Diagram 2 in Section 12: - Development Area 10 - Townhouses: - Maximum Height: 4 storeys up to 14 m - Apartment Building: - Minimum Height: 2 storeys - Maximum Height: 11 storeys
Staff comment: Staff are recommending minimum and maximum height requirements for the MUKR2 zone to align with the proposed maximum height permissions of OPA 9. Staff have no objections to the proposed heights and are supportive of the modification.		

	PROPOSED		RECOMMENDED	
Density	Street, stacked and back-to-back townhouses	Apartment Building	Street, stacked and back-to-back townhouses	Apartment Building
	Maximum permitted density: 130 units/hectare	N/A	No maximum density shall apply	N/A
Staff comment: City Planning staff are recommending that no maximum density apply to street, stacked and back-to-back townhouses. The King Road Community is envisioned to be a mixed-use community with low-rise, mid-rise and tall buildings and varying built forms. As such, Staff are recommending the provisions be implemented to allow for diversity in terms of the built form which could be developed on the site.				
	PROPOSED		RECOMMENDED	
Parking Requirements	Street, stacked and back-to-back townhouses	Apartment Building	Street, stacked and back-to-back townhouses	Apartment Building
	- Minimum Parking Rate: Residential occupant: 1 parking spaces per unit - Residential visitor: 0.25 parking spaces per unit	- Minimum Parking Rate: Residential occupant: 0.75 parking spaces per unit - Residential visitor: 0.05 parking spaces per unit	- Minimum Parking Rate: Residential occupant: 1 parking spaces per unit - Residential visitor: 0.25 parking spaces per unit	- Minimum Parking Rate: Residential occupant: 0.75 parking spaces per unit - Residential visitor: 0.05 parking spaces per unit

Staff comment:

Transportation Planning Staff have no objections to the proposed parking rates but planning staff note that a holding provision will be placed on all MUKR2 zones until such time as a revised Transportation Impact Study (TIS) and Transportation Demand Management (TDM) Report is provided and approved by Transportation Planning Staff. While the holding provision is in place, the MUKR2 zone parking rates and standards will be subject to Part 1, Subjection 2.25 and 2.26. Once the holding provision is lifted from the property subject to revised and accepted TIS and TDM reports, the parking rates noted above would become applicable.

Bicycle Parking Requirements	N/A	• In addition to the requirements of Part 1, 2.26 (10), the following shall apply: ○ Residential Bicycle Parking Rates: ▪ 0.1 short term bicycle parking spaces per unit ▪ 0.5 long term bicycle parking space per unit ○ Bicycle Parking Standards: ▪ Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building. ▪ Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.
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			▪ Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. ○ Bicycle Parking Space Size: ▪ Horizontal space: 0.6 m x 1.8 m ▪ Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall ▪ Vertical space: 1 m x 0.6 m	
Staff comment: The City’s Zoning By-law 2020 does not currently have zoning provisions for residential bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and the new City of Burlington Zoning By-law 09-2026.				
	PROPOSED		RECOMMENDED	
Privacy Area	Street, stacked and back-to-back townhouses	Apartment Building	Street, stacked and back-to-back townhouses	Apartment Building
	• Not required	• N/A	• Not required	• N/A
Staff comment: No modification to the applicants' proposed rezoning is recommended.				
Landscape Area and Buffer	• The minimum landscape area abutting a street or creek block: 1.5m • A walkway may encroach into a required landscape area abutting a street		• Minimum landscape area abutting a street: 1.5m • Minimum Landscape area abutting a creek block: 1.5m	

Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Amenity Area	• 15 m² per dwelling unit	• 15 m² per dwelling unit
Staff comment: No modification to the applicants' proposed rezoning is recommended.		

Mixed Use King Road 3 (MUKR3) Zone

Zoning Regulation	Proposed MXC-XXX4, MXC-XXX5 and MXC-XXX8	Staff Recommended MUKR3
Permitted Uses	• All uses permitted in the MXC Zone • Farmer's Market • Elevated Parking Facility • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling	• All uses permitted in the MXC zone, excluding automotive and industrial uses • Farmer's Market • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling • Hotel • Post- Secondary Facility
Staff comment: Staff are recommending that the permitted uses chart be modified to exclude automotive and industrial uses in order to reduce the potential for incompatible land uses to be established in the community. The additional permitted uses that staff are recommending are intended to reflect the desire for opportunities in terms of the uses that may be located on		

the site. Staff are satisfied that compatibility issues are not likely and support the notion to allow a breadth of permitted uses for this portion of the site.		
Minimum and Maximum Yards	• Minimum yard abutting any street: 1.5 m • No maximum yard requirement to a street applies	• Yard abutting Highway 403: 14 m • Yard abutting any street: 1.5 m • Maximum yard abutting a street: ○ First and second storey: 5 m ○ All other storeys: No maximum ○ Notwithstanding 9.1 (b)(i), the maximum yard shall only apply to building elevations located within 15 m of Streets 'A' and 'B' as shown on Diagram 2 in Section 12
Staff comment: Staff are recommending that the setback identified by MTO be reflected as a yard setback; this will ensure that the requirement is addressed to the satisfaction of MTO. Staff are recommending a maximum building yard setback of 5 metres to the first and second storey of a building to ensure a consistent street frontage and building setback. Staff have also included a provision to allow for site specific variations where buildings that are setback farther than 15 metres will not be impacted.		
Separation Distance from a Railway Right-of-Way	• N/A	• Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, no minimum shall apply
Staff comment:		

This provision has been removed from the recommended Zoning By-law Amendment. This concern will be dealt with through the use of the recommended Holding provision, and a separation distance will be established within the Noise and Vibration Feasibility Study based on conclusions within the report. These separation distances will be applied to the relevant development at that time, prior to the removal of the holding provision(s).		
Floor Area and Floor Area Ratio	- Maximum Floor Area Ratio: - Development Area 9: 4.6:1 - Development Area 11: 6:1 - Development Area 12: 6:1 - Development Area 13: 6:1 - Development Area 14: 8.8:1	- Maximum Gross Floor Area as required in Table 5.12.1 and Diagram 2 in Section 12 of this By-law: - Development Area 9: 4:1 - Development Area 11: 6:1 - Development Area 12: 6:1 - Development Area 13: 6:1 - Development Area 14: 8.4:1
Staff comment: Through the review of the applications, staff is recommending that new mixed use zones be created for the King Road Community. Planning staff are recommending a Maximum Gross Floor Area for each Development Area in the MUKR3 zone. As the proposed development is still at a conceptual stage, staff have coordinated with the applicant and provided some flexibility in the proposed FAR rates to account for any modifications at the detailed design stage. The applicant has also requested that the maximum non-residential gross floor area not apply to this zone. Staff have no objection to this modification as staff encourage large non-residential gross floor areas with no floor area restrictions in this zone. Eliminating this requirement will allow for the creation of large-scale non-residential uses such as a grocery store or community space.		

Minium and Maximum Building Height	• Maximum Building Height: ○ Development Area 9 ▪ Maximum Height: 26 storeys, exclusive of a mechanical penthouse and mezzanine ○ Development Area 11 ▪ Maximum Height: 54 storeys, exclusive of a mechanical penthouse and mezzanine ○ Development Area 12 ▪ Maximum Height: 54 storeys, exclusive of a mechanical penthouse and mezzanine ○ Development Area 13 ▪ Maximum Height: 54 storeys, exclusive of a mechanical penthouse and mezzanine ○ Development Area 14 ▪ Maximum Height: 49 storeys, exclusive of a mechanical penthouse and mezzanine	• Minimum and Maximum Height as required in Table 5.12.1 and Diagram 2 in Section 12 of the By-law: ○ Development Area 9 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 25 storeys ○ Development Area 11 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 46 storeys ○ Development Area 12 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 53 storeys ○ Development Area 13 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 41 storeys ○ Development Area 14 ▪ Minimum Height: 2 storeys ▪ Maximum Height: 48 storeys
Staff comment: As noted above, staff are recommending that new mixed-use zones for the King Road Community to implement the policies and vision of Official Plan Amendment 9. Staff are recommending a minimum and maximum height requirement for the Development Areas in the MUKR3 zone to align with the proposed maximum height permissions of OPA 9.		

Planning staff have no objections to the proposed minimum and maximum building heights but note that a holding provision will be placed on all MUKR3 zones that cannot be removed for buildings exceeding 11 storeys in height until the required height threshold criteria are met. The holding provision will be removed when specific requirements are met, and the requirements are specific to development up to 11 storeys, between 12 and 30 storeys, and greater than 31 storeys. Each of these height groupings have requirements that are specific to the concerns that need to be addressed at a building-specific level prior to construction.		
Height Variation and Height Restriction	N/A	- Notwithstanding the maximum building height permitted in Table 5.12.1, where multiple buildings greater than 12 storeys are permitted within the same lot, the following shall apply: - A minimum height variation of 4 storeys shall be provided between adjacent buildings. - No two buildings on the same lot or with a shared podium shall have the same building height
Staff comment: Planning staff are recommending a minimum height variation of 4 storeys for buildings greater than 12 storeys within the same lot and that no two buildings on the same lot or within a shared podium can have the same height. This modification will implement the vision and objectives of Official Plan Amendment 9, by establishing a range of building typologies and heights and providing a distinct and varied skyline throughout the development.		
Parking Requirements	- Minimum Parking Rate: - Residential occupant: 0.75 parking spaces per unit	Minimum Parking Rate:

	○ Residential visitor: 0.05 parking spaces per unit ○ Retail Store: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area ● Parking in a mixed-use building, defined as a development which contains any combination of office, retail/service commercial, restaurant and/or overnight accommodation uses which shares parking on the same lot, shall be calculated based on the requirement for each use ● Parking spaces required for a use on a lot may be provided on another lot within 500 metres	○ Residential occupant: 0.75 parking spaces per unit ○ Residential visitor: 0.05 parking spaces per unit ○ Retail Store: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area ● Parking spaces are not permitted above the third storey of a building ● The Retail Centre parking rate shall not apply
Staff comment: Transportation Planning Staff have no objections to the proposed parking rates but planning staff note that a holding provision will be placed on all MUKR3 zones until such time as a revised Transportation Impact Study (TIS) and Transportation Demand Management (TDM) Report is provided and approved by Transportation Planning Staff. While the holding provision is in place, the MUKR3 zone parking rates and standards will be subject to Part 1, Subjection 2.25 and 2.26. Once the holding provision is lifted from the property subject to revised and accepted TIS and TDM reports, the parking rates noted above would become applicable. Staff are recommending that parking spaces be permitted in the first and second storey of a building podium. This will allow flexibility for the location of parking spaces on site. If parking spaces are proposed within the podium, staff will require the podium to have an integrated design where it does not look like an above ground parking garage. Mitigation measures such a decreasing light trespass and noise/odour will also be required at the Site Plan stage.		

The applicant requested that all parking in a mixed-use building be calculated based on the requirement for each use. Staff are recommending the requested provision be replaced with the provision proposed by staff. This will achieve the same goal as the applicant's request but use the language of Zoning By-law 2020. Staff have no objection to this modification and are supportive.		
Bicycle Requirements	Parking	N/A • In addition to the requirements of Part 1, 2.26 (10), the following shall apply: ○ Residential Bicycle Parking Rates: ▪ 0.1 short term bicycle parking spaces per unit ▪ 0.5 long term bicycle parking space per unit ○ Bicycle Parking Standards: ▪ Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building. ▪ Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. ▪ Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. ○ Bicycle Parking Space Size: ▪ Horizontal space: 0.6 m x 1.8 m

		▪ Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall ▪ Vertical space: 1 m x 0.6 m
Staff comment: The City's Zoning By-law 2020 does not currently have zoning provisions for residential bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location, and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and the new City of Burlington Zoning By-law 09-2026.		
Drive Through Facilities	• N/A	• Drive-through facilities are prohibited
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Loading and Unloading	• Loading spaces may be shared between mixed-use buildings.	• Notwithstanding Part 1, Section 2.25.3 one off-street loading space is required on a lot and-may be shared between buildings.
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Landscape Area and Buffer	• The minimum landscape area abutting a street or creek block: 1.5m • A walkway may encroach into a required landscape area abutting a street	• Minimum landscape area: ○ Abutting a street: 1.5 m ○ Abutting a creek block: 1.5 m

Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Amenity Area	15 m² per dwelling unit	15 m² per dwelling unit
Staff comment: No modification to the applicants' proposed rezoning is recommended.		

Mixed Use King Road 4 (MUKR4) Zone

Zoning Regulation	Proposed MXC-XXX3	Staff Recommended MUKR4
Permitted Uses	- All uses permitted in the MXC Zone - Farmer's Market - Elevated Parking Facility - Townhouse Dwelling - Stacked Townhouse Dwelling - Back to Back Townhouse Dwelling	- All uses permitted in the MXC zone, excluding automotive and industrial uses - Farmer's Market - Townhouse Dwelling - Stacked Townhouse Dwelling - Back to Back Townhouse Dwelling - Hotel - Arena - Recreation Uses Permitted in an MXC zone
Staff comment: Staff are recommending that the permitted uses chart be modified to exclude automotive and industrial uses in order to reduce the potential for incompatible land uses to be established in the community. The additional permitted uses that staff are recommending are intended to reflect the desire for opportunities in terms of the uses that may be located on the site. Staff are satisfied that compatibility issues are not likely and support the notion to allow a breadth of permitted uses for this portion of the site.		

The arena and recreational uses permitted in an MXC zone are included in the list of uses for the MUKR4 zone to ensure that the Entertainment District that is envisioned for this portion of the site is realized. In support of the nature of the uses permitted for this portion of the site, a hotel use is contemplated and may include residential units in a portion of the structure.		
Minimum and Maximum Yard abutting a street	• Minimum yard abutting any street: 1.5 m • No maximum yard requirement to a street applies	• Yard abutting any street: 1.5 m • No maximum yard requirement to a street applies
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Building Setback from a Creek Block	• 5.5 m	• 5.5 m
Staff comment: For this portion of the site, the provision is intended to provide space that reflects Conservation Halton's regulation limits. Staff have confirmed with CH that the proposed 5.5m is acceptable since the hazard and space intended to allow for access to repair the infrastructure is contained within the adjacent O2 block. Thus, the proposed 5.5m is acceptable, and planning staff support the setback.		
Separation Distance from a Railway Right-of-way	• N/A	• Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, the 30 m for land uses sensitive to Railway rights-of-way setback shall not apply to Development
Staff comment:		

This provision has been removed from the recommended Zoning By-law Amendment that staff has prepared. This concern will be dealt with using the Holding provision, and a separation distance will be established identified within the Noise and Vibration Feasibility Study, based on conclusions within the report and these separation distances will be applied to the relevant development at that time.

Floor Area and Floor Area Ratio	• Maximum Floor Area Ratio: 3.1:1 • No maximum non-residential Gross Floor Area applies.	• Maximum Gross Floor Area as required in Table 5.12.1 and Diagram 2 in Section 12 of this By-law: ○ Development Area 5: 4:1 • No maximum non-residential Gross Floor Area applies. • A minimum Gross Floor Area of 6,000 m² is required for permitted Community Institutional or Recreational Establishment, and Arena uses
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Staff comment:

Through the review of the applications, it is recommended that new mixed-use zones be created for the King Road Community. Planning staff are recommending a Maximum Gross Floor Area for each Development Area in the MUKR4 zone. As the proposed development is still at a conceptual stage, staff have coordinated with the applicant and provided some flexibility in the proposed FAR rates to account for any modifications at the detailed design stage.

The applicant has also requested that the maximum non-residential gross floor area not apply to this zone. Staff have no objections to this modification as staff encourage large non-residential gross floor areas with no floor area restrictions in this zone. Eliminating this requirement will allow for the creation of large-scale non-residential uses such as a grocery store or community space.

Staff are recommending that a minimum FAR be applied to the Community Institutional or Recreational Establishment, and Arena uses. This is intended to ensure that when developed fully, the use resembles what has been shown in the preliminary stages.		
Minimum and Maximum Building Height	Maximum Building Height: 20 storeys, exclusive of a mechanical penthouse or mezzanine level	- Minimum and Maximum Height as required in Table 5.12.1 and Diagram 2 in Section 12 of the By-law: - Development Area 5 - Minimum Height: 2 storeys - Maximum Height: 30 storeys
Staff comment: As noted above, it is recommended new mix-use zone be created for the King Road Community to implement the policies and vision of Official Plan Amendment 9. Therefore, staff are recommending a minimum and maximum height requirement for the Development Areas in the MUKR4 zone to align with the proposed maximum height permissions of OPA 9. Planning staff are recommending that a holding provision be placed on the MUKR4 zone that cannot be removed for buildings exceeding 11 storeys in height until the required height threshold criteria are met. The holding provision will be removed when specific requirements are met, and the requirements are specific to development up to 11 storeys, between 12 and 30 storeys, and greater than 31 storeys. Each of these height groupings have requirements that are specific to the concerns that need to be addressed at a building-specific level prior to construction.		
Height Variation and Height Restriction	N/A	Where multiple buildings greater than 12 storeys are permitted adjacent to one another, with or without a shared podium within the same lot, a minimum height variation of 3 storeys shall be provided.

		• Notwithstanding the maximum building height permitted in Table 5.12.1, no two buildings on the same block or within a shared podium shall have the same height.
Staff comment: Planning staff are recommending a minimum height variation of 4 storeys for buildings greater than 12 storeys within the same lot and that no two buildings on the same lot or within a shared podium can have the same height. This modification will implement the vision and objectives of Official Plan Amendment 9, by establishing a range of building typologies and heights and providing a distinct and varied skyline throughout the development.		
Parking Requirements	(a) Minimum Parking Rate: ○ Retail: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area ○ Entertainment Establishment: 4.0 parking spaces per 100 m² gross floor area ○ Arena: 3.0 spaces per 100 m² gross floor area ○ Hotel: 0.75 space per unit (b) Parking in a mixed-use building, defined as a development which contains any combination of office, retail/service commercial, restaurant and/or overnight accommodation uses which shares parking on the same lot,	(c) Minimum Parking Rate: ○ Residential occupant: 0.75 parking spaces per unit ○ Residential visitor: 0.05 parking spaces per unit ○ Retail store: 1.5 parking spaces per 100 m² gross floor area ○ Community Institution: 4.0 parking spaces per 100 m² gross floor area ○ Arena: 3.0 spaces per 100 m² gross floor area ○ Hotel: 0.75 space per unit (d) Parking spaces are not permitted above the third storey of a building (e) The Retail Centre parking rate shall not apply

		shall be calculated based on the requirement for each use	
Staff comment: Transportation Planning Staff have no objections to the proposed parking rates but planning staff note that a holding provision will be placed on all MUKR4 zones until such time as a revised Transportation Impact Study (TIS) and Transportation Demand Management (TDM) Report is provided and approved by Transportation Planning Staff. While the holding provision is in place, the MUKR4 zone parking rates and standards will be subject to Part 1, Subjection 2.25 and 2.26. Once the holding provision is lifted from the property subject to revised and accepted TIS and TDM reports, the parking rates noted above would become applicable. Staff are recommending that parking spaces be permitted in the first and second storey of a building podium. This will allow flexibility for the location of parking spaces on site. If parking spaces are proposed within the podium, staff will require the podium to have an integrated design where it does not look like an above ground parking garage. Mitigation measures such a decreasing light trespass and noise/odour will also be required at the Site Plan stage. The applicant requested that all parking in a mixed-use building be calculated based on the requirement for each use. Staff are recommending the requested provision be replaced with the provision proposed by staff. This will achieve the same goal as the applicant's request but use the language of Zoning By-law 2020. Staff have no objection to this modification and are supportive.			
Surplus Parking	Off-Site	Parking spaces required for a use on a lot may be provided on another lot within 500 metres	- The minimum required parking spaces for an arena and convention/conference centre shall be provided on the property containing the arena and conference centre. - Notwithstanding, Part 1, Subsection 2.25, where the provision of parking on the same lot as the use requiring the parking is not possible, required parking spaces may be located on another lot within the area of eligibility

		shown in Diagram 1. Such alternative parking shall be subject to (ii) herein and shall be surplus to the number of parking spaces required on the affected lot by Zoning By-law 2020, as amended ○ Where required parking spaces are provided in accordance with 10.5 (d), the owners of all lots shall enter into an agreement with the City of Burlington to be registered against title of the lot upon which parking is to be provided and the property containing the arena and conference/convention centre use for which the parking is required ○ Parking as provided for in subsection (ii) may be transferred to another lot in accordance with subsection (i) above, provided that an agreement as required by subsection (ii) is registered on title of said other lot.
Staff Comment: The applicant has requested that additional parking for the Areana use can be provided in other buildings on the subject lands. Staff are supportive of this notion, provided that the lots where parking is provided are identified Diagram 1 of the By-law; that these spaces are provided such that they are surplus to the parking spaces required for the building in which they are located; agreements between the City of Burlington and the owners of the buildings containing the parking		

spaces be entered into; and the parking spaces can be transferred from one lot to another provided that other requirements are still being met.		
Bicycle Requirements	Parking	N/A • In addition to the requirements of Part 1, 2.26 (10), the following shall apply: ○ Residential Bicycle Parking Rates: ▪ 0.1 short term bicycle parking spaces per unit ▪ 0.5 long term bicycle parking space per unit ○ Bicycle Parking Standards: ▪ Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building. ▪ Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. ▪ Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. ○ Bicycle Parking Space Size: ▪ Horizontal space: 0.6 m x 1.8 m ▪ Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall

		▪ Vertical space: 1 m x 0.6 m
Staff comment: The City's Zoning By-law 2020 does not currently have zoning provisions for residential bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location, and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and the new City of Burlington Zoning By-law 09-2026.		
Drive Through Facilities	N/A	• Drive-through facilities are prohibited.
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Loading and Unloading	• Loading spaces may be shared between mixed-use buildings.	• Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Landscape Area and Buffer	• The minimum landscape area abutting a street or creek block: 1.5m • A walkway may encroach into a required landscape area abutting a street	• Minimum landscape area abutting a street or creek block shall not apply.
Staff comment: No modification to the applicants' proposed rezoning is recommended.		

Amenity Area	• 15 m² per dwelling unit	• 15 m² per dwelling unit
Staff comment: No modification to the applicants' proposed rezoning is recommended.		

Mixed Use King Road 5 (MUKR5) Zone

Zoning Regulation	Proposed MXC-XXX7	Staff Recommended MUKR5 Zone
Permitted Uses	• All uses permitted in the MXC Zone • Farmer's Market • Elevated Parking Facility • Townhouse Dwelling • Stacked Townhouse Dwelling • Back to Back Townhouse Dwelling	• Retail uses permitted in MXC zone • Farmer's Market • Standard Restaurant • Standard Restaurant • Standard Restaurant with Dance Floor • Fast Food Restaurant • Convenience Restaurant • Community Institution uses • College or University (private or public) • Campus Facility • Recreation uses permitted in a MXC zone • Apartment Building
Staff comment: Staff are recommending that the permitted uses chart be modified to allow uses that would directly support the proposed Campus node. Staff have worked with the applicant to identify the extent of those uses and are in support of what is being proposed.		
Minimum and Maximum Yard abutting a street	• Minimum yard abutting any street: 1.5 m	• Yard Abutting Highway 403: 14 m • Yard abutting any street: 1.5 m

	No maximum yard requirement to a street applies	No maximum yard requirement to a street applies
Staff comment: Staff are recommending that the setback identified by MTO is reflected as a yard setback; this will ensure that the requirement is addressed to the satisfaction of MTO. No further modification to the applicants' proposed rezoning is recommended.		
Separation Distance from a Railway Right-of-Way	N/A	Notwithstanding Part 5, Table 5.4.1 Separation Distance from a railway right-of-way, the 30 m for land uses sensitive to Railway rights-of-way setback shall not apply to Development Area 8 as shown on Diagram 2
Staff comment: This provision has been removed from the recommended Zoning By-law Amendment that staff has prepared. This concern will be dealt with using the Holding provision, and a separation distance will be established within the Noise and Vibration Feasibility Study, based on conclusions within the report and these separation distances will be applied to the relevant development at that time.		

Floor Area and Floor Area Ratio	• Maximum Floor Area Ratio: 1.5:1 • No maximum non-residential Gross Floor Area applies.	• Maximum Gross Floor Area as required in Table 5.12.1 and Diagram 2 in Section 12 of this By-law: ○ Development Area 8: 1.5:1 • No maximum non-residential Gross Floor Area applies. • A minimum Gross Floor Area for permitted Community Institutional uses identified in Table 5.6.1 of 400 m² is required
Staff comment: Through the review of the applications, it is recommended that new mixed-use zones be created for the King Road Community. Planning staff are recommending a Maximum Gross Floor Area for the Development Area in the MUKR5 zone. As the proposed development is still at a conceptual stage, staff have coordinated with the applicant and provided some flexibility in the proposed FAR rates to account for any modifications at the detailed design stage. The applicant has also requested that the maximum non-residential gross floor area not apply to this zone. Staff have no objections to this modification as staff encourage large non-residential gross floor areas with no floor area restrictions in this zone. Staff are recommending that a minimum gross floor area be implemented for the Community Institutional Use to ensure that when the development is fully realized it will resemble what has been proposed as closely as possible.		
Minimum and Maximum Building Height	• Minimum Building Height: 1 storey	• Minimum and Maximum Height as required in Table 5.12.1 and Diagram 2 in Section 12 of the By-law: ○ Development Area 8 ▪ Minimum Height: 1 storey ▪ Maximum Height: 11 storeys

Staff comment:

As noted above, it is recommended that the King Road Community create new mixed-use zones to implement the policies and vision of Official Plan Amendment 9. Therefore, staff are recommending a minimum and maximum height requirement for the Development Areas in the MUKR5 zone to align with the proposed maximum height permissions of OPA 9.

Planning staff recommend that a holding provision will be placed on the MUKR5 zone that cannot be removed for buildings exceeding 11 storeys in height until the required height threshold criteria are met. The holding provision will be removed when specific requirements are met, and the requirements are specific to development up to 11 storeys, between 12 and 30 storeys, and greater than 31 storeys. Each of these height groupings have requirements that are specific to the concerns that need to be addressed at a building-specific level prior to construction.

Parking Requirements	(a) Minimum Parking Rate: i. Retail: 1.5 parking spaces per 100 m² gross floor area ii. Campus Facility: 3.0 parking spaces per 100m² gross floor area iii. Community Institution: 4.0 parking spaces per 100 m² gross floor area (b) Parking in a mixed-use building, defined as a development which contains any combination of office, retail/service commercial, restaurant and/or overnight accommodation uses which shares parking on the same lot,	(d) Minimum Parking Rate: i. Retail store: 1.5 parking spaces per 100 m² gross floor area ii. Campus Facility: 3.0 parking spaces per 100m² gross floor area iii. Community Institution: 4.0 parking spaces per 100 m² gross floor area (e) Parking spaces are not permitted above the third storey of a building (f) The Retail Centre parking rate shall not apply
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		shall be calculated based on the requirement for each use (c) Parking spaces required for a use on a lot may be provided on another lot within 500 metres	
Staff comment: Transportation Planning Staff have reviewed the proposed parking rates and are satisfied with the proposed rates that would apply to retail, campus facility, and community institutional uses. Planning staff are recommending that parking spaces not be permitted above the third storey in a building, and that the retail parking rate shall not apply. These revisions have been brought forward to ensure that the urban design of the development site achieves the vision that has been proposed for the site and to ensure that parking spaces are provided at a rate that is reflective of the demand and location of the site in proximity to the GO Station.			
Bicycle Requirements	Parking	N/A	• In addition to the requirements of Part 1, 2.26 (10), the following shall apply: ○ Residential Bicycle Parking Rates: ▪ 0.1 short term bicycle parking spaces per unit ▪ 0.5 long term bicycle parking space per unit ○ Bicycle Parking Standards: ▪ Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.

		▪ Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. ▪ Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. ○ Bicycle Parking Space Size: ▪ Horizontal space: 0.6 m x 1.8 m ▪ Stackable space: 0.45 m wide x 1.8 m long and 1.2 m tall ▪ Vertical space: 1 m x 0.6 m
Staff comment: The City's Zoning By-law 2020 does not currently have zoning provisions for residential bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location, and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and the new City of Burlington Zoning By-law 09-2026.		
Drive Through Facilities	N/A	• Drive-through facilities are prohibited.
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Loading and Unloading	• Loading spaces may be shared between mixed-use buildings.	• Notwithstanding Part 1, Section 2.25.3, one off-street loading space is required on a lot and may be shared between buildings.
Staff comment:		

No modification to the applicants' proposed rezoning is recommended.		
Landscape Area and Buffer	- The minimum landscape area abutting a street or creek block: 1.5m - A walkway may encroach into a required landscape area abutting a street	Minimum landscape area abutting a street or creek block: 1.5 m
Staff comment: No modification to the applicants' proposed rezoning is recommended.		
Amenity Area	15 m² per dwelling unit	15 m² per dwelling unit
Staff comment: No modification to the applicants' proposed rezoning is recommended.		

Site Exception D Zone (H-D-577)

Zoning Regulation	H-MXC	Staff Recommended H-D-577 Zone
Permitted Uses	Until such time as the “H” symbol is removed, only the following uses shall be permitted on the site: • Municipal parks and public open spaces • Stormwater management and erosion control • Public utilities and services • Cultural heritage resources • Non-intensive outdoor recreation uses such as walking	- Notwithstanding Part 12, Section 1, a Detached Dwelling is not permitted - Notwithstanding Part 1, Subsection 2.21, “Uses Permitted in All Zones” shall not apply.

	trails, nature viewing, bird watching, etc.	
Staff comment: Staff are recommending that the permitted uses chart be modified to prevent development from taking place that would compromise the outstanding concerns that are identified through the holding provisions, and that may preclude subsequent development from advancing in the nature that has been proposed.		

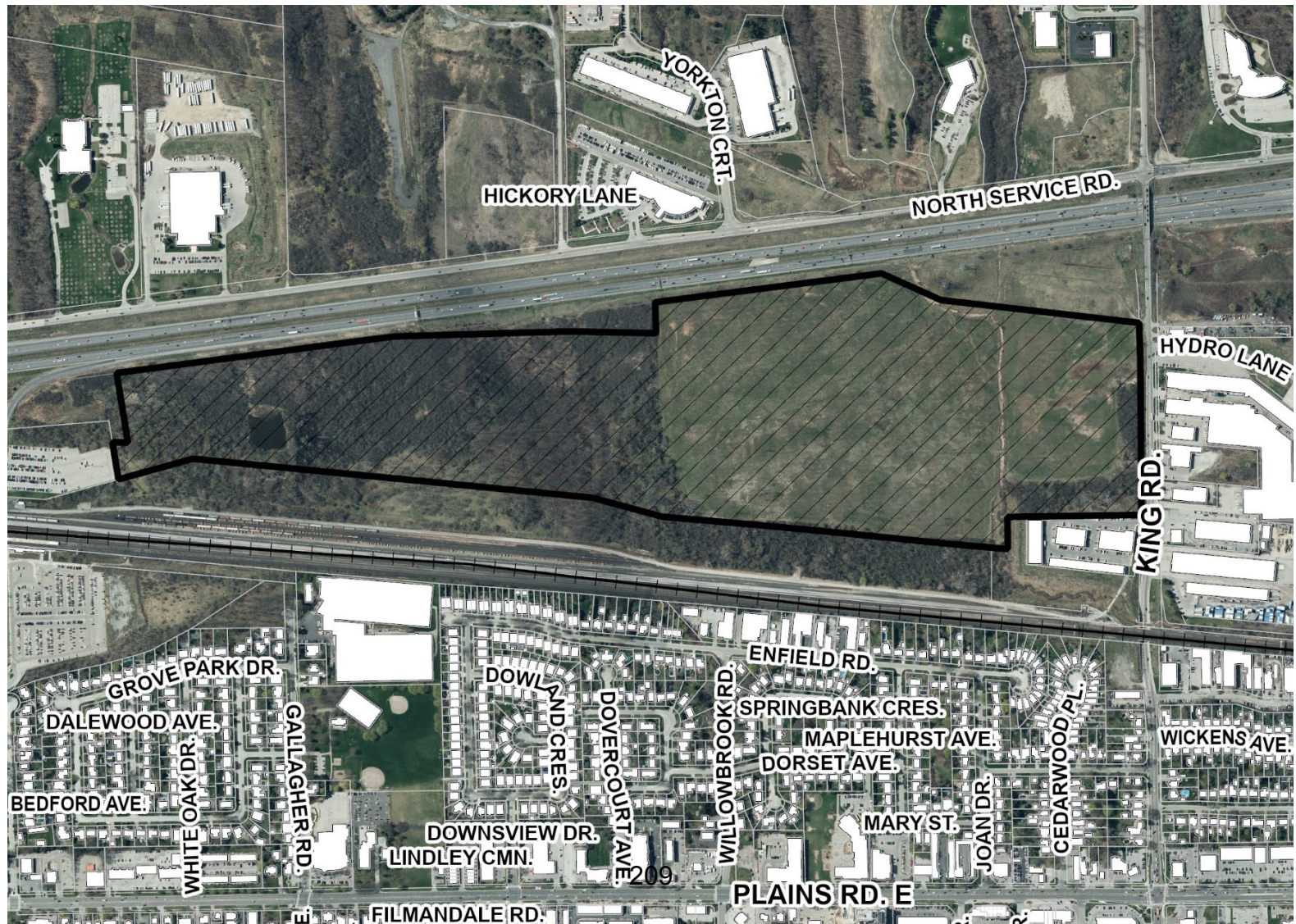
Statutory Public Meeting and Recommendation Report

1200 King Road

Applications for Official Plan Amendment and Zoning Bylaw
Amendment,

Address: 1200 King Road
File: 505-03/26, 520-04/26
Date: July 7, 2026
Report: DGM-28-26

Overview of Site



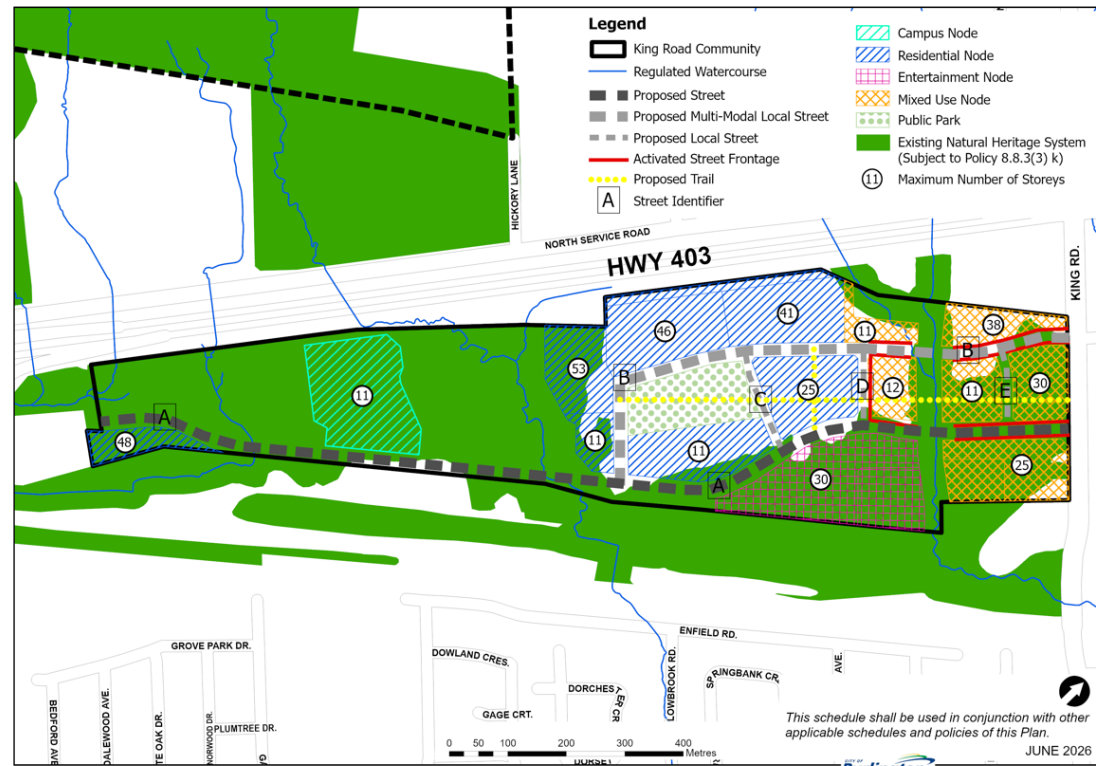
Key Dates and Milestones

- Pre-Application Community Meeting: June 26, 2024
- Technical Circulation: March 10, 2026
- Public Circulation: March 19, 2026
- Notice of Statutory Public Meeting and Recommendation Report: May 7, 2026
- Revised Notice of Statutory Public Meeting and Recommendation Report: June 2, 2026
- Statutory Public Meeting: July 7, 2026
- Council Meeting: July 21, 2026

Proposed Official Plan Amendments

- Establishes a policy framework for the lands to develop as a complete community, accommodate residents and jobs, and creating additional opportunities for increased housing options in the City.
- Amendment to establish node boundaries and implementing policies

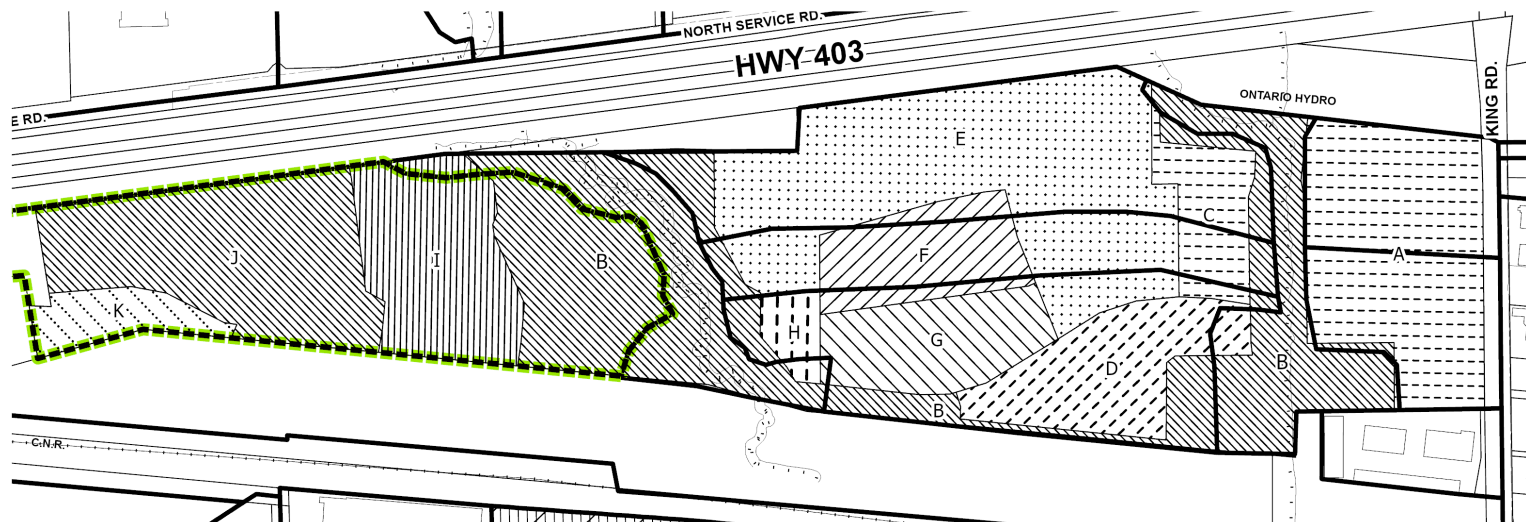
SCHEDULE T-2: Building Heights
King Road Community
City of Burlington



Proposed Zoning Amendments

Existing Zones: BC1, CE-412, O2, H-MXE-411, H-GE1-410 and BC1-471.

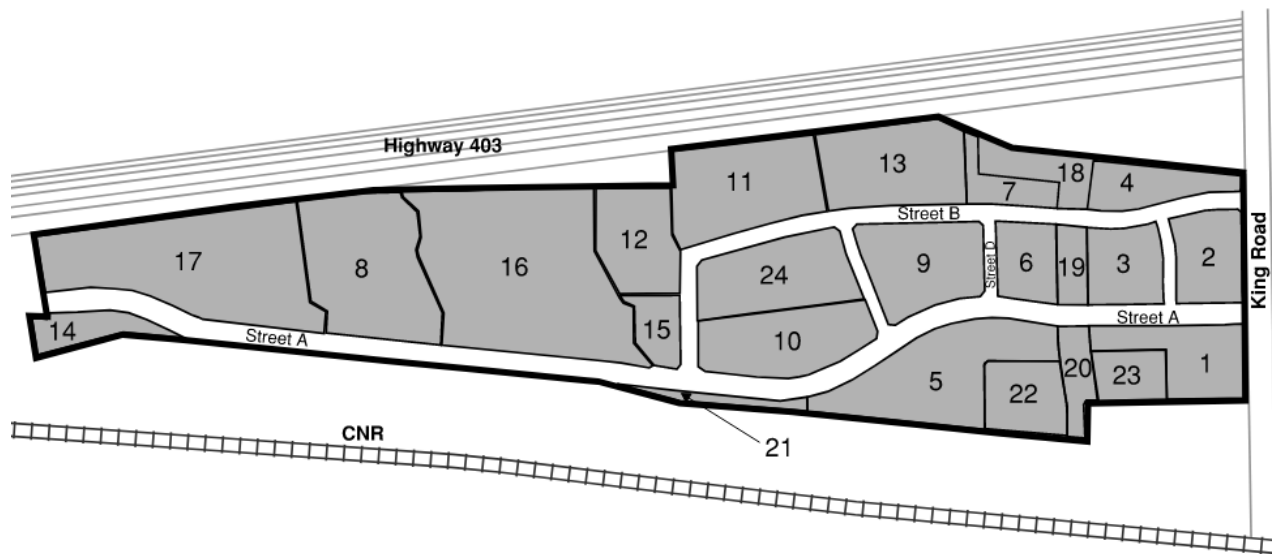
Proposed Zones: MUKR1, MUKR2, MUKR3, MUKR4, MUKR5



-  Area A from BC1, CE-412, & O2 to H-MUKR1
-  Area B from BC1, CE-412, H-GE-410, H-MXE-411, 4000-3 & O2 to H-O2
-  Area C from from BC1, H-GE-410 & H-MXE-411 to H-MUKR1
-  Area D from H-GE1-410 & O2 to H-MUKR4
-  Area E from BC1, H-MXE-411, O2 & H-GE1-410 to H-MUKR3
-  Area F from BC1, H-MXE-411 & H-GE1-410 to H-P
-  Area G from H-GE1-410 & O2 to H-MUKR2
-  Area H from H-GE1-410 & O2 to H-D-XXX
-  Area I from 4000-3 & O2 to H-MUKR5
-  Area J from 4000-3 to H-O2
-  Area K from 4000-3 to H-MUKR3

Holding Provisions

- 19 Holding provisions to be applied to the individual development areas within the site
 - Contents of the Holds tied to unresolved components of the development
 - Connected to matters that affect the principle of land use.
- Crafted with the intent to be removed individually or all at once



Staff Recommendation

- Approve the applications, as modified by planning staff, for Official Plan Amendment and Zoning By-law Amendment submitted by Bousfields Inc. on behalf of Alinea Land Corporation proposing a mixed use development consisting of a mixed-use node, entertainment node, campus node, and residential node at 1200 King Road subject to the conditions of draft plan approval described in this report being secured to the satisfaction of the Commissioner of Legal and Legal Services/City Solicitor or his designate, as set out in confidential report LLS-31-26 and,
- Approve Official Plan Amendment No. 9 to the City of Burlington Official Plan 2020, as modified by planning staff and provided in Appendix D of Development and Growth Management report DGM-28-26, to amend the designation for the lands located at 1200 King Road; and,
- Deem that Official Plan Amendment No.9 is consistent with The Planning Act; and,
- Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 9 as contained in Appendix D to Development and Growth Management report DGM-28-26 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal; and,
- Approve Zoning By-law 2020.524, attached as Appendix E to Development and Growth Management report DGM-28-26, and,
- Deem that Zoning By-law 2020.524 will conform to all applicable Official Plans of the City of Burlington once Official Plan Amendment No. 9 is adopted; and,
- State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 9 is adopted; and,
- Deem that the lands described as 1200 King Road are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines; and,
- Endorse the Urban Design Brief, dated February 2026, prepared by NAK Urban Design Strategy as urban design guidelines for the King Road Community.

July 7 2026

Committee of the Whole

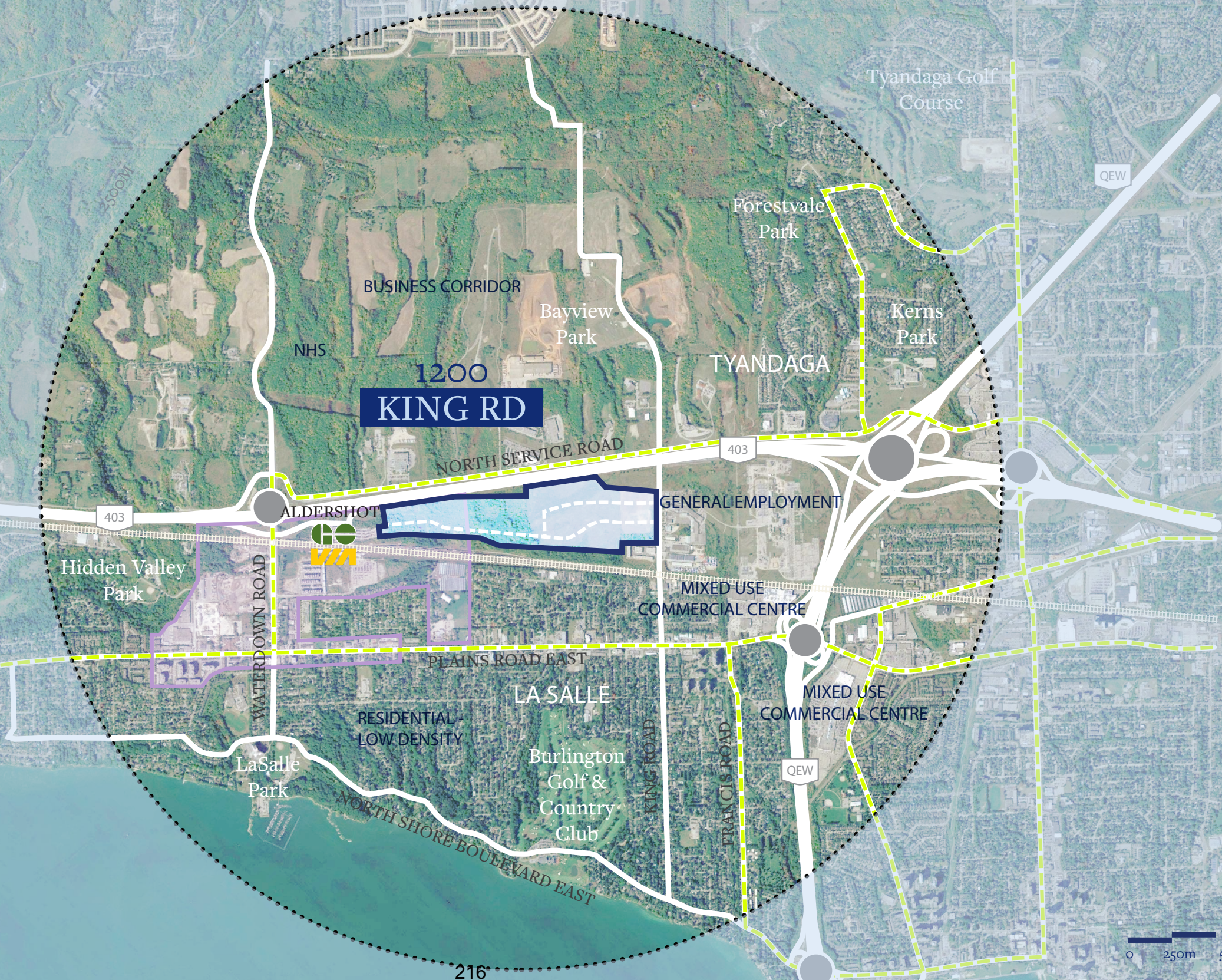
1200 King Road
City of Burlington

Location

LEGEND

-  1200 KING Boundary
-  Burlington Transit Routes
-  Railway
-  GO Station
-  VIA Rail Canada Station
-  Highway Interchange

Committee of the Whole
1200 King Road



Location



403

ALDERSHOT



1200 King Road

GENERAL EMPLOYMENT

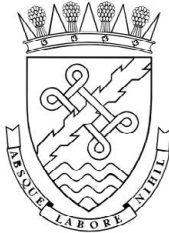
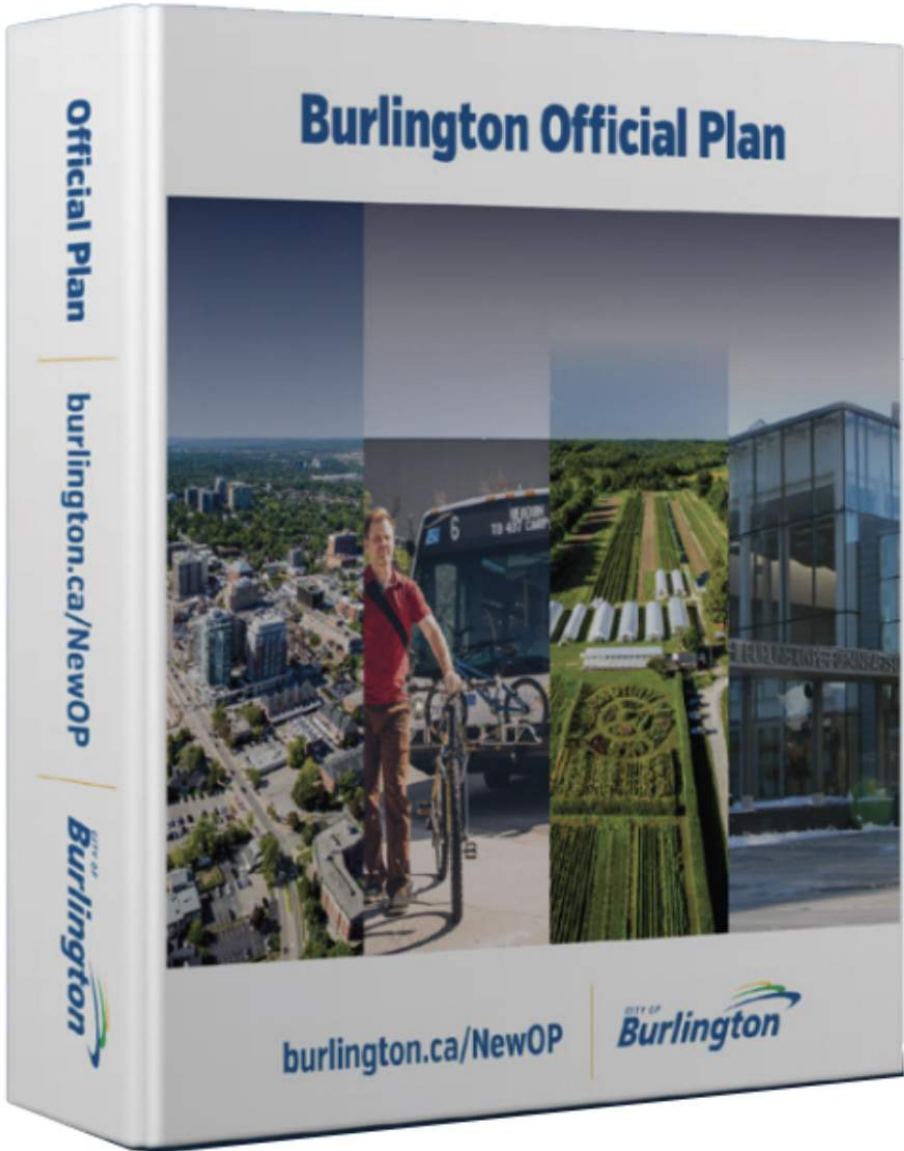
MIXED USE
COMMERCIAL
CENTRE

LEGEND

- 1200 KING Boundary
- Burlington Transit Routes
- Railway
- GO Station
- VIA Rail Canada Station
- Highway Interchange

Committee of the Whole
1200 King Road

Planning Policy History



THE REGIONAL PLAN

Official Plan for the Halton Planning Area
Regional Municipality of Halton

Office Consolidation
May 16, 2024

DECISION

With respect to Amendment No. 49 to the Halton Regional Official Plan
Subsection 17(34) of the *Planning Act*

I hereby amend the Halton Regional Official Plan Amendment 49 as adopted by By-law 35-22 to the Halton Region Official Plan as approved by the Ministry of Municipal Affairs and Housing on November 27, 1995. Furthermore, I hereby approve, as modified, Halton Regional Official Plan Amendment 49 as adopted by By-law 35-22, subject to the following modifications, with additions in **bold underline** and deletions in **bold strikethrough**:

1. Section 7(8) to be modified to read as follows:

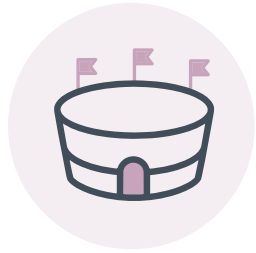
"2014-2022 – A major review, including extensive public and agency consultation, of this Plan undertaken to achieve conformity with Provincial plans and legislation in accordance with Section 26 of the Planning Act, and implemented to date through separate amendments addressing **a-Regional Urban Structure and a Preferred Growth Concept**, growth-related components, with all other matters to be addressed through future amendment."
2. Section 34 to be modified to read as follows:

"For certain physical elements of this Plan for which incremental decision-making is practical and desirable, e.g. population and employment forecasts and the supply of land within settlement areas, the planning horizon is the year 2051, **with planning for growth to this planning horizon undertaken in two periods, being between 2022 to 2041 and 2041 to 2051 as described in Section 55.4 of this Plan.**"
3. Section 55 to be modified to read as follows:

"The Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment as contained in Table 1, which **will be has been** updated to the planning horizon year of 2051 through the municipal comprehensive review, and in accordance with the Regional phasing outlined on Map 5, as well as by other infrastructure elements such as transportation systems and urban services and other policies of this Plan."
4. Section 55.2 to be modified to read as follows:

"The Regional Structure also sets out the Regional phasing to be achieved every five years from 2022 to **2041 2051** between the *Built-Up Areas* and the *Designated Greenfield Areas* in Table 2a. **Regional phasing for growth between 2041 and 2051 will be determined in accordance with Section 55.4 of this Plan.**"

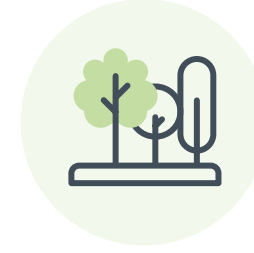
Community Elements



Delivery of a new major community facility



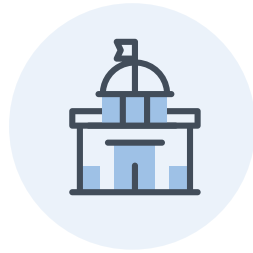
New housing, including affordable housing



Protection of Natural Heritage System



Public service facilities to ensure the community is livable.



New institutional campus that will generate new jobs for the City



New Commercial Amenities for the community



Extension of Alayne Bryk Way (South Service Road)

Creating the Plan Together



Community Vision

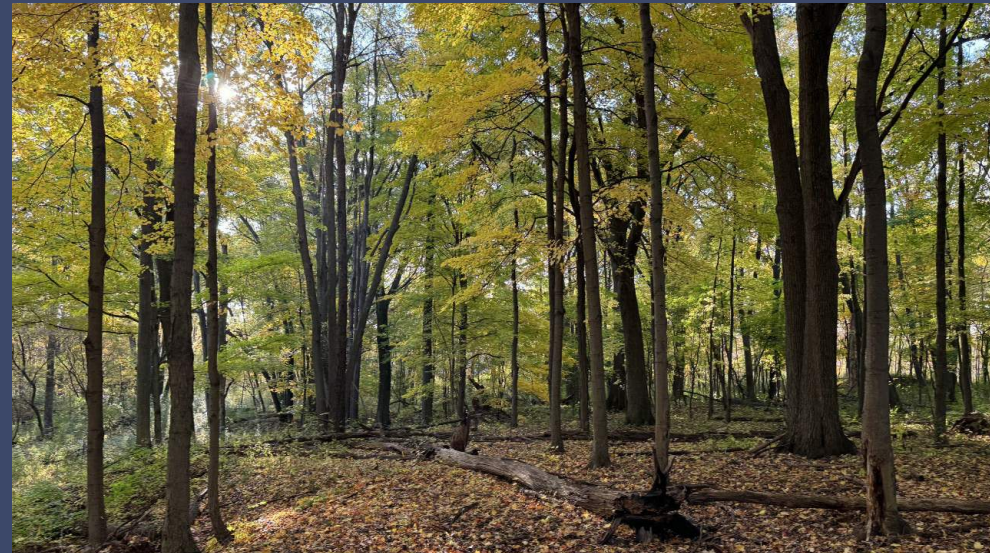


1200 King will be an attractive, vibrant and active community structured by a **robust public realm and open space network**, and anchored by a dynamic mixed-use hub, a community recreation and entertainment centre, post secondary education campus, and significant parks and natural features. With an **urban village character** and a diversity of housing options available, this accessible community will be **highly connected** through walkable compact streets, linked open spaces, extensive trail and cycling networks, and convenient transit. It will be a place where a **wide spectrum of residents**, from young families to downsizing retirees, can find a permanent sense of home in central Burlington.

Community Guiding Principles



BUILD ON TRANSIT



EMBRACE THE NATURAL HERITAGE



**ESTABLISH A NETWORK OF
STREETS AND OPEN SPACE**



**CREATE A VIBRANT MIXED-USE
ENVIRONMENT**



**FOSTER A HUB FOR INNOVATION
AND EDUCATION**

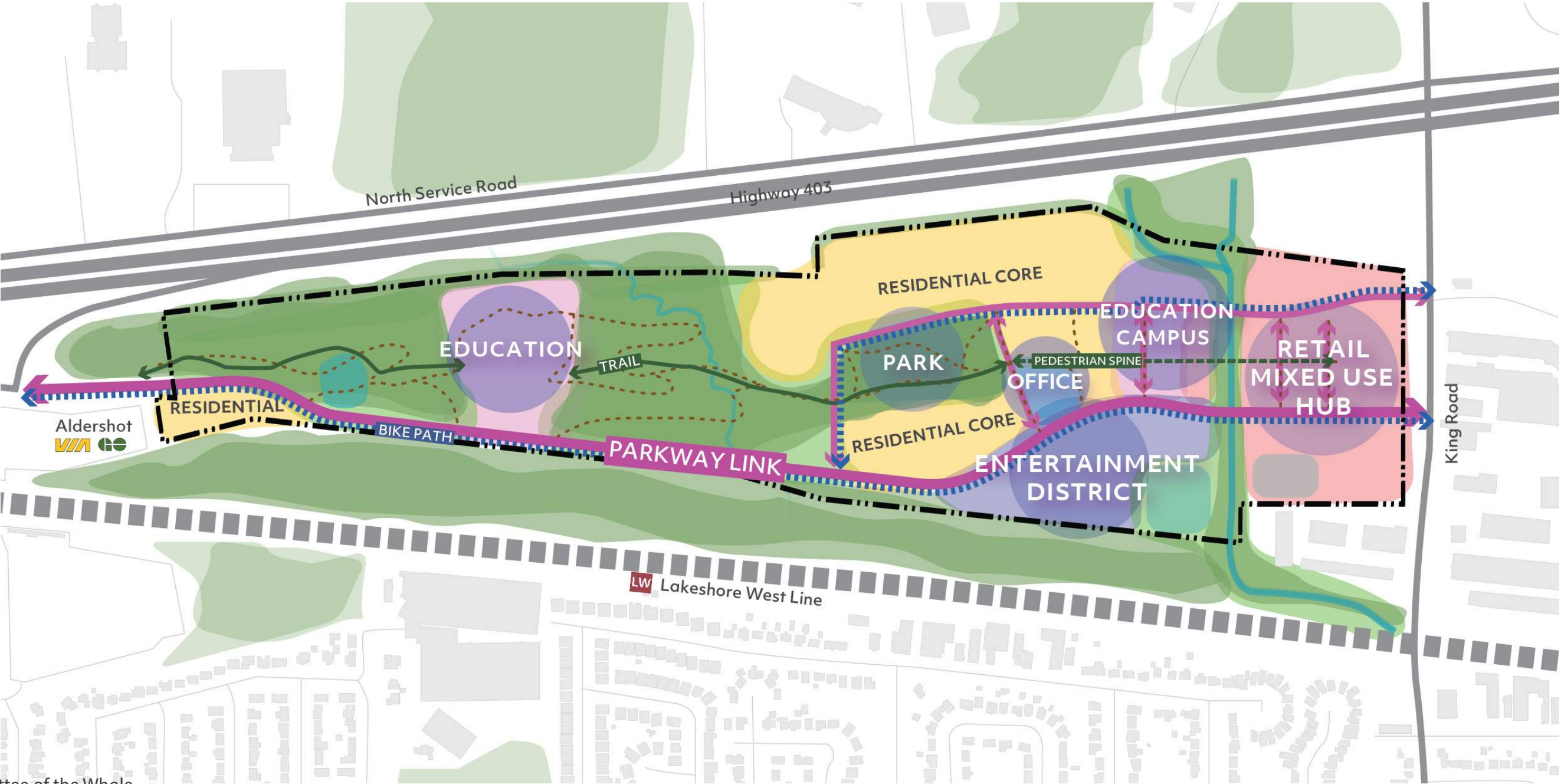


PROVIDE A RANGE OF HOUSING

Community Precincts



Community Precincts



Community Elements

Natural Heritage

Preservation of natural heritage and ecological features to foster sustainable environments

Mobility and Pedestrian Network

Creates a safe and walkable neighbourhood that prioritizes the pedestrian experience and convenient transit access

Residential District

Provides an adaptable and diverse range of housing options to accommodate varying housing needs

Education Campus District

The new innovation and education hub will support collaborations between academic, economic and community sectors

Retail Mixed-Use

A delicate blend of ground-floor retail and residential creates an animated streetscape and dynamic community

Residential

Ease of access to adjacent Aldershot Station

Climate Action Campus

A new school of climate action with synergetic commercial pads and a visitor centre nestled in the centre of the woodlot

Central Park

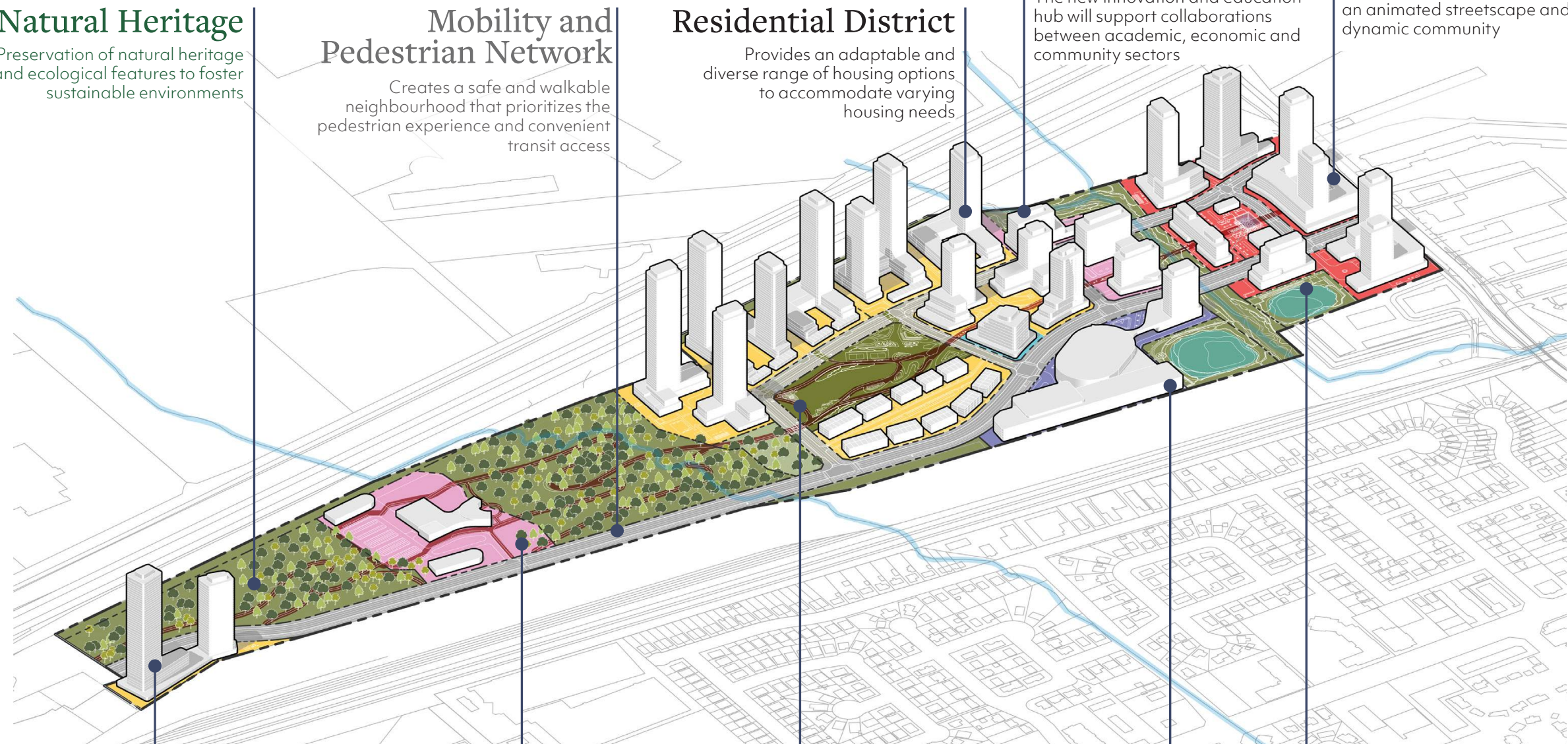
Large open public park that can facilitate community gatherings and events

Entertainment District

A multi-functional event and community centre that will facilitate recreational activities for the city

Stormwater Ponds

Integration of water management systems will help to keep ecological balance



Master Plan



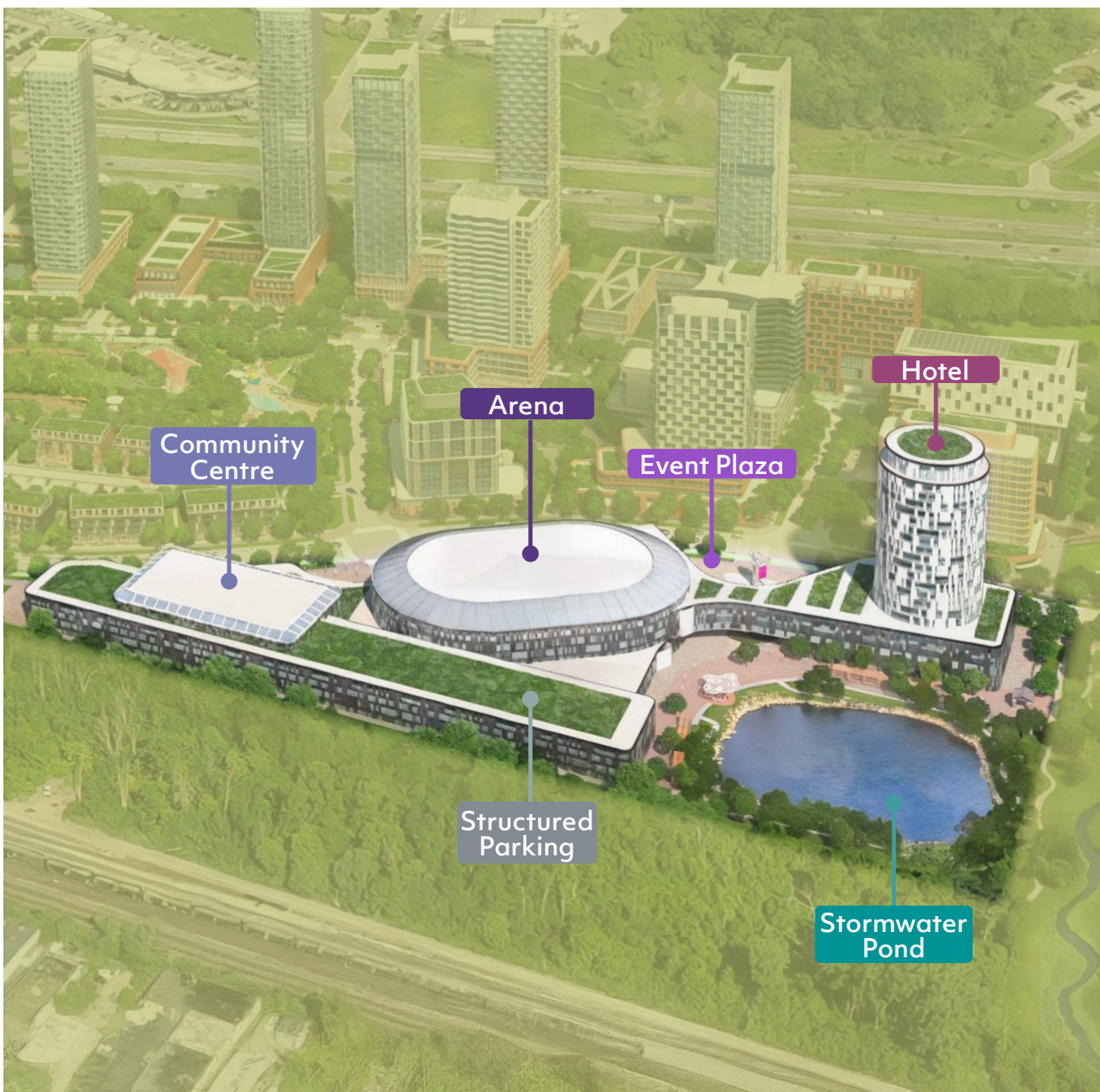
Retail Mixed-Use Hub



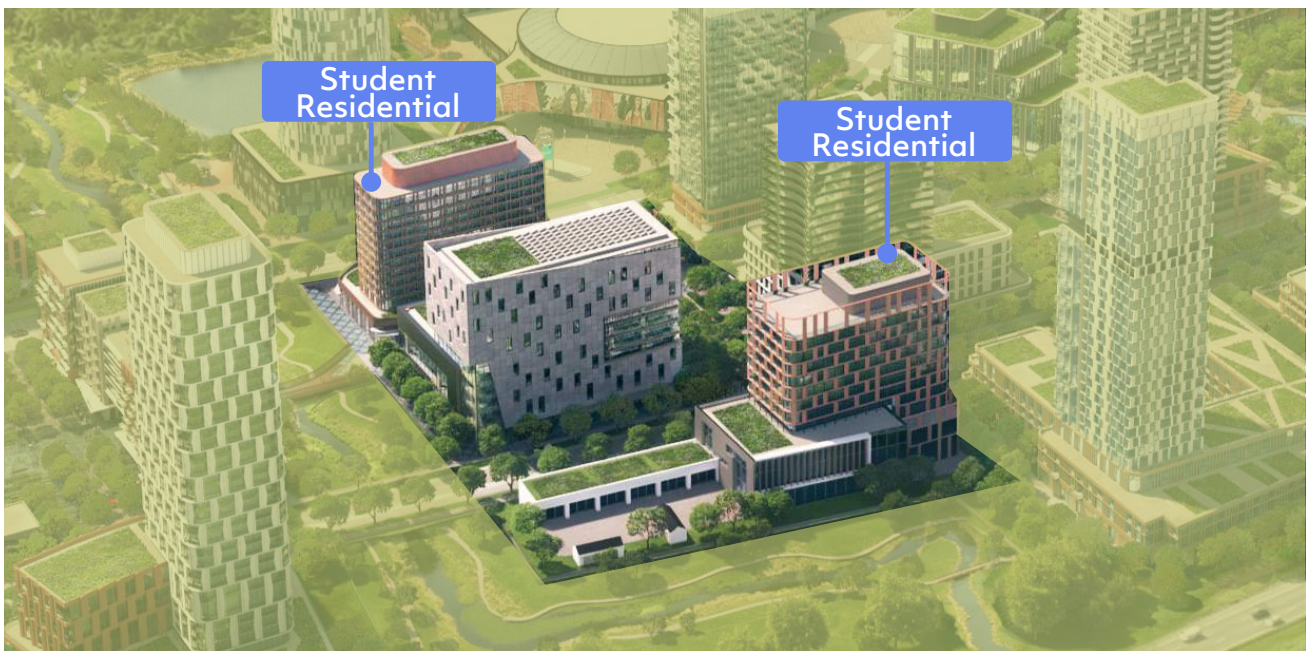
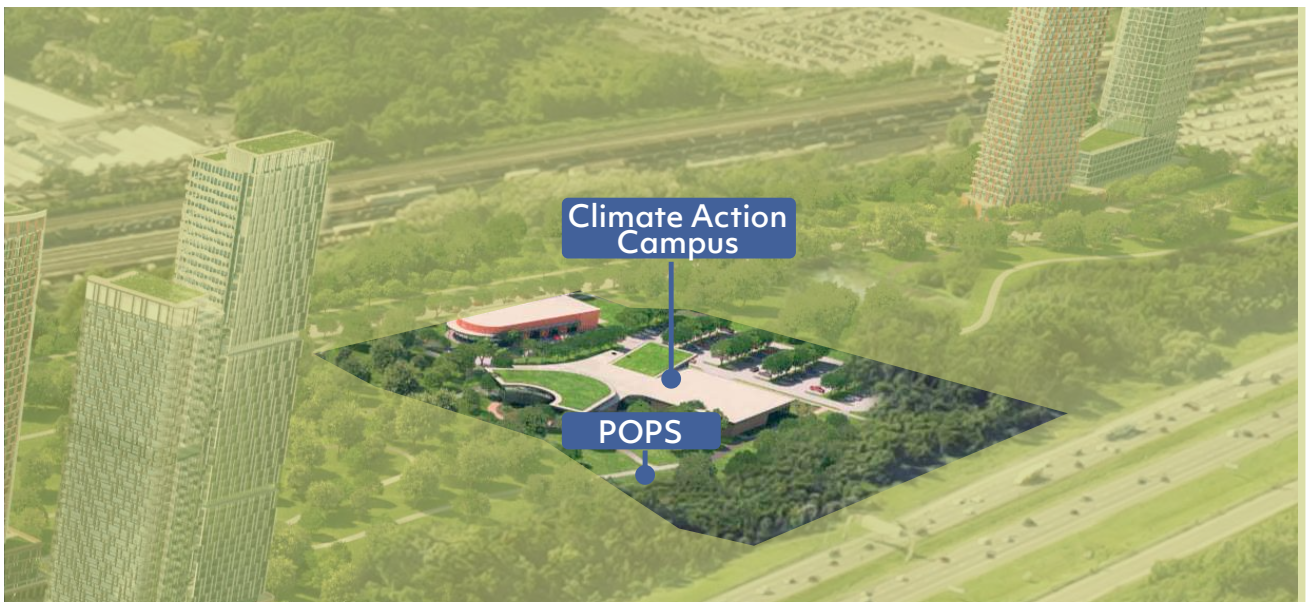
Committee of the Whole
1200 King Road



Entertainment District



Education Campus



Central Park



Aerial View

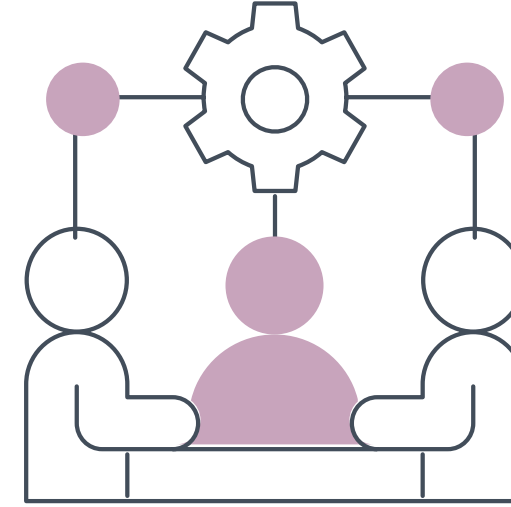


Committee of the Whole
1200 King Road

Our Request



Fully supportive of the
Staff Recommendation



Direct Staff to continue
to work with Applicant
team to address
technical changes to
the OPA and ZBA.

Questions & Comments?

Thank
You

Thursday, June 25th, 2026

City Clerk/Director
Legislative Services

Re: Aldershot Village BIA Support for 1200 King Road

Letter of support for the Official Plan Amendment and Zoning By-law Amendment for 1200 King Road:

Official Plan Amendment: File 505-03/26

Zoning By-law Amendment: File 520-04/26

The Aldershot Village BIA is pleased to provide this written submission in support of the proposed zoning amendment for 1200 King Road.

Aldershot is a community that continues to evolve and grow. Our business community sees tremendous value in projects that not only bring investment and new residents to the area, but also create opportunities for culture, recreation, community gathering, and long-term economic vitality. This proposal represents exactly that kind of opportunity.

The vision presented for 1200 King Road is ambitious, forward thinking, and community focused. As outlined by the project team, it is intended to be a sustainable, vibrant, and diverse mixed-use complete community that brings together housing, retail, recreation, entertainment, educational opportunities, parks, and open space in one master planned destination. It has the potential to become a transformational development not only for Aldershot, but for Burlington as a whole.

This is an incredible opportunity for Aldershot and Burlington, an opportunity to help shape the future of our community for generations to come. The vision for this site represents the future of Aldershot: a complete community that provides spaces, services, and opportunities for residents of all ages, from birth to later in life.

Throughout this process, the level of engagement undertaken by the development team has been particularly noteworthy. The project website emphasizes that the current concept has been shaped through years of visioning, consultation, and engagement with community leaders, residents, stakeholders, and the City of Burlington. That willingness to listen, adapt, and continue engaging as the project evolves over multiple phases builds trust and strengthens confidence that this development can move forward in a way that reflects both current needs and future aspirations.

We also recognize the significance of the proposed community amenities and public spaces being discussed as part of this development. The concept includes a variety of engaging park spaces, including a central park, pedestrian promenade, urban squares, and campus green, alongside trails, public realm gathering spaces, and areas for active and passive recreation. Just as importantly, the proposal places emphasis on the preservation and enhancement of significant natural heritage features, including mature woodlands and creek corridors, helping to balance growth with environmental stewardship.

At a time when many communities are competing for investment and economic growth, Burlington has an opportunity to support a project that responds to several important city-building objectives at once. The

proposal is intended to help address housing needs through a range of housing typologies and tenure options, while also leveraging its location adjacent to the Aldershot GO Station and provincial highway network to support multimodal connectivity, transit access, and long-term intensification in an appropriate location. Developments that combine housing, mobility, community infrastructure, economic activity, and public amenities are essential to building complete communities.

The Aldershot Village BIA supports the advancement of this zoning amendment application and encourages Council and staff to continue working collaboratively to ensure the surrounding infrastructure, including roads, transit, public services, and community facilities, evolves alongside the growth this project will bring.

We see particular value in the project's potential to create new opportunities for the neighbourhood by serving retail, food and commercial activity, arts and culture, recreation, education, and community gathering, all of which can contribute meaningfully to the long-term vitality of Aldershot.

We also believe this proposal presents a unique opportunity to address a longstanding infrastructure imbalance within Burlington. For decades, Aldershot and West Burlington have lacked many of the recreation and community amenities available in other parts of the city, including access to a city-operated gymnasium and comparable community facilities. The scale and potential of this development create a once-in-a-generation opportunity to help close that gap and ensure residents in this part of Burlington have access to the same level of community infrastructure enjoyed elsewhere. Given the transformative impact such facilities could have on residents and businesses alike, this opportunity merits serious consideration for municipal investment, particularly where partnerships with the private sector and senior levels of government can help maximize value for taxpayers.

As Burlington continues to grow, it is equally important that community infrastructure grows alongside housing. With thousands of new homes proposed for 1200 King Road and additional residential growth anticipated around the Aldershot GO Station and surrounding transit corridors, the need for recreation, gathering, and community-serving facilities will only increase. Investments in facilities such as an event center and complementary recreation amenities would support families, seniors, youth, newcomers, and local businesses while strengthening Aldershot as a complete community where residents can live, work, play, and connect without having to leave their neighbourhood to access essential services and amenities.

Beyond the direct community benefits, these types of facilities can serve as important economic anchors that help accelerate housing delivery, attract investment, create both construction and long-term employment opportunities, and generate ongoing economic activity. Destination-scale recreation, sports, entertainment, conference, and event facilities have the potential to draw visitors from across the region, increasing spending at local businesses and supporting the continued growth of Burlington's tax base through new assessment and commercial activity. Businesses along Plains Road and throughout West Burlington would benefit from increased visitation generated through tournaments, events, conferences, recreation programming, and community activities.

Finally, it is important to recognize that this vision aligns with the long-standing aspirations of many community leaders and organizations who have worked tirelessly to strengthen Aldershot. The Aldershot Village BIA and Partnering Aldershot have consistently advocated for investments that enhance quality of life, support economic vitality, and build a stronger sense of community. We believe Council should hear clearly

that Aldershot's business and community leadership supports advancing this opportunity with urgency, discipline, collaboration, and ambition.

While the scale and cost of a project of this magnitude are significant, the long-term value it can deliver to residents, businesses, families, and future generations is truly priceless. Investments in complete communities that prioritize connection, quality of life, accessibility, sustainability, and economic vitality are the kinds of city-building opportunities that define communities for decades to come.

We believe this project deserves continued collaboration, momentum, and leadership to move forward successfully. The Aldershot Village BIA strongly encourages Council, staff, stakeholders, and the development team to continue advancing the necessary next steps to bring this vision to reality.

Let's do it. Let's move forward. Let's get shovels in the ground on a historic and valuable project that can shape the future of Aldershot and Burlington for generations.

Andrea Dodd
Executive Director
Aldershot Village BIA





July 6, 2026

Mayor Marianne Meed Ward and Members of Burlington City Council
City of Burlington
426 Brant Street
Burlington, ON L7R 3Z6

Subject: Burlington Chamber of Commerce Position on Official Plan and Zoning By-law Amendment for
1200 King Road
Official Plan Amendment: File 505-03/26
Zoning By-law Amendment: File 520-04/26

Dear Mayor Meed Ward and Members of Council,

On behalf of the Burlington Chamber of Commerce and our more than 900 member businesses, I am writing to express our strong support for the approval of the Official Plan Amendment and Zoning By-law Amendment for the 1200 King Road project.

The Burlington Chamber has consistently supported this project because we believe it represents one of the most significant city-building opportunities in Burlington's history. Council's decision on these applications is not simply about approving another development—it is a critical step toward delivering the sports, recreation, aquatics, entertainment, park, and community amenities that Burlington residents have discussed and envisioned for many years.

As our community continues to grow, Burlington requires projects that thoughtfully integrate housing, employment, transportation, recreation, and public gathering spaces. The 1200 King Road proposal achieves exactly that by creating a complete, transit-oriented community adjacent to the Aldershot GO Station. Few locations in our city are better positioned to support responsible intensification while reducing reliance on the automobile and maximizing existing transit infrastructure.

The Chamber also recognizes the urgent need to increase housing supply in strategic locations. Provincial and municipal policies have consistently emphasized the importance of creating complete communities that provide a mix of housing options near higher-order transit. This project aligns with those objectives while ensuring that new residential development is accompanied by the community infrastructure necessary to support future residents.

Equally important are the significant public amenities proposed as part of the development. The planned arena and event centre, aquatics facilities, sports and recreation spaces, parks, trails, and



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community gathering places will benefit residents of all ages for generations to come. These amenities will strengthen Burlington's quality of life, provide opportunities for youth sports and community programming, attract visitors from across the region, and establish a destination that will serve both local families and the broader business community.

From an economic perspective, the project represents a substantial investment in Burlington's future. Construction will generate significant employment opportunities and support local contractors, suppliers, and professional services. Once completed, the development will create permanent jobs in recreation, hospitality, retail, property management, and related sectors. The event and sports facilities also have the potential to attract regional tournaments, conferences, concerts, and community events that generate tourism spending and economic activity for local restaurants, hotels, retailers, and service businesses.

Leaving a strategically located site of this size underutilized would represent a missed opportunity for Burlington. Instead, this project will transform the property into a vibrant live-work-play neighbourhood that reflects the vision of a modern, complete community while creating lasting public value.

The Burlington Chamber of Commerce believes the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with provincial housing objectives, municipal planning priorities, transit-oriented growth principles, and the long-term economic interests of our city.

For these reasons, we respectfully encourage Burlington City Council to approve the Official Plan Amendment and Zoning By-law Amendment for the 1200 King Road project and allow this important city-building initiative to move forward.

Thank you for your consideration and for your continued leadership in planning for Burlington's future.

Sincerely,



Terry Caddo
President and CEO
Burlington Chamber of Commerce



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PARTNERING ALDERSHOT

Regarding; Statutory Public Meeting Tuesday, July 7, 2026, as announced in July 6, 2026, Committee of the Whole Agenda, Item 13.3.

This written delegation is submitted on behalf of Partnering Aldershot, in support of the approval of:

Official Plan Amendment File 505-03/26 and Zoning Amendment Application (File 520-04/26) submitted by Bousfields Inc. on behalf of Alinea Land Corporation concerning the property referred to as 1200 King Road, in Aldershot. Burlington.

Partnering Aldershot has been supportive of the proposed development at 1200 King Rd. since first mooted for all of the reasons outlined below and as submitted in previous delegations to Committee of The Whole and City Council in support of the proposal.

In a city that is generally highly regarded for its community amenities, sports and recreation facilities, the west-end of the city has felt underserved for some time.

The proposed development at 1200 King Road provides a generational opportunity, to correct that imbalance with community and recreational amenities, gathering places and parks for families and Aldershot residents of all ages, while providing a world class arena/event centre, sports fitness and aquatics facilities that will serve the region and the province bringing national and international events.

It provides a rare opportunity to transform an underutilized site, serving no broader community purpose or amenity into a complete, transit-oriented community; a vibrant live-work-play neighbourhood next to Aldershot GO Station.

It aligns seamlessly with provincial and municipal priorities around housing, transit, complete communities, recreation, and responsible growth.

It fulfills an urgent need for new housing supply in appropriate locations, the opportunity to create jobs in a struggling construction sector, long-term economic growth & employment in Burlington's tourism, events and hospitality industries.

Partnering Aldershot, its business community, seniors, faith and resident groups urge The Committee of The Whole and Burlington City Council to approve and implement Official Plan Amendment, File 505-03/26 and Zoning Amendment Application, File 520-04/26.

Respectfully Submitted, July 1st. 2026.
Jim Young, Chair, Partnering Aldershot.

VIA EMAIL

July 3, 2026

City of Burlington City Council
426 Brant Street, PO Box 5013
Burlington, ON L7R 3Z6
clerks@burlington.ca

127446-1589

Dear Members of Council:

**Re: 1200 King Road, City of Burlington
Official Plan Amendment and Zoning By-law Amendment Applications: DGM-28-26
Agenda Item 13.3, Committee of the Whole and Statutory Public Meeting on July 7, 2026**

Comments of the Canadian National Railway Company

We are counsel to the Canadian National Railway Company (“**CN**”). CN is the owner and operator of significant railway infrastructure located in the City of Burlington (the “**City**”), including the Aldershot Freight Rail Yard (the “**Aldershot Yard**”).

We are writing regarding Official Plan Amendment (“**OPA**”) and Zoning By-law Amendment (“**ZBA**”) applications for the property municipally known as 1200 King Road, in the City. The property is located immediately adjacent to the Aldershot Yard, a major freight rail yard which is the subject of intense, heavy industrial operations that occur 24 hours per day, 7 days per week, 365 days per year.

The OPA and ZBA applications facilitate the construction of an expansive mixed-use community, including approximately 8,800 residential units and a range of sensitive land uses, in direct proximity to the Aldershot Yard. The proposal to locate sensitive uses in such close proximity to a major freight rail yard gives rise to significant land use compatibility concerns and conflicts with applicable provincial policy where appropriate avoidance or mitigation has not been demonstrated or secured.

For the reasons set out below, CN respectfully submits that approval of the applications is premature and should be deferred until the concerns set out in this letter have been addressed.

1. The Approval is Based on Information that is not Available to the Public

As a threshold matter, Council should not approve the OPA and ZBA where materials that support the approvals are not publicly available. In this case, the Staff Report recommends approval of the OPA and ZBA subject to the securing of draft plan of subdivision conditions contained in a confidential legal report (LLS-31-26), which is not available to the public or to CN.

Zaanouni Law Firm & Associates ► LuatViet ► Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

The Staff Report expressly acknowledges that key issues related to land use compatibility and rail remain outstanding that will be addressed, in part, through the confidential draft plan conditions. It is therefore concerning to CN that Council is being asked to approve the OPA and ZBA on the basis of materials that are not publicly available and that provide critical insight into how land use compatibility matters will be addressed.

The purpose of the *Planning Act* is to provide for land use planning processes that are fair, transparent, and accessible. Approving an OPA and ZBA on the basis of information that is not available to the public is procedurally flawed and undermines the transparency and fairness required by the *Planning Act*. Ultimately, the OPA and ZBA must stand on their own planning merits and be capable of approval based on the public record, rather than on the basis of undisclosed materials that address fundamental issues, such as land use compatibility, of concern to the public and CN.

2. Mitigation Measures have not been Finalized or Secured

As noted above, operations at the Aldershot Yard are significant, continuous, and involve intense industrial operations, including switching, idling, coupling, braking, and the loading/unloading of freight rail cars. Accordingly, the Aldershot Yard is recognized as a *major facility* by the *Provincial Planning Statement, 2024*, and a Class III industrial facility by the D-Series Guidelines, with recommended setbacks of 300 m for sensitive uses.

The record before Council does not establish that the proposed sensitive uses can be appropriately located on the property and within the appropriate setback or that compatibility with the Aldershot Yard can be achieved through feasible and secured mitigation measures. In this regard, both CN's Peer Review and the Staff Report confirm that critical compatibility analysis remains outstanding.

On April 10, 2026, CN provided a Peer Review from Jade Acoustics evaluating the Noise Study prepared by the developer's consultants against the applicable provincial policies and guidelines, including NPC-300. The Peer Review concludes that the Noise Report submitted by the developer fails to provide "sufficient information regarding the mitigation measures and how they will be implemented, to indicate that the development, as designed is feasible", and identifies a number of areas where additional analysis and information are required to demonstrate that the development is feasible and that impacts from the Aldershot Yard can be appropriately mitigated.

The Staff Report further confirms that critical technical work has not been finalized, including the submission of a revised noise and vibration study to determine appropriate railway setbacks and additional analysis to confirm that there are no adverse noise impacts for development areas in proximity of the railway right-of-way. The Staff Report indicates that these matters will be partially addressed through an extensive series of holding conditions in addition to draft plan conditions which, in the latter case, is inherently problematic given that such conditions are not publicly available.

In CN's submission, the necessary mitigation measures must be identified and secured prior to any approval of the development applications. Deferring the identification of mitigation measures to the detailed design stages is not appropriate where development is proposed immediately adjacent to an industrial freight rail yard and feasibility is a key aspect of the land use planning evaluation.

This approach is also inconsistent with Section 3.5 of the *Provincial Planning Statement, 2024*, which requires planning authorities to protect the long-term economic viability and operation of major facilities and to ensure that sensitive land uses are planned to avoid, or where avoidance is not possible, minimize and mitigate adverse effects from such facilities. Where the development of sensitive uses is proposed in direct proximity to major industrial infrastructure, these determinations must be made at the OPA and ZBA stage on the basis of sufficient information. In the present case, the record before Council establishes that critical technical work relating to land use compatibility remains outstanding and that appropriate mitigation measures have not yet been identified, finalized, or secured.

CN views any development approval that fails to implement appropriate and enforceable mitigation measures as premature. Accordingly, CN requests that Council defer its consideration and approval of the OPA and ZBA applications to allow further work to be completed with respect to land use compatibility and mitigation.

3. Restrictive Covenant on Title

A portion of 1200 King Road is subject to a restrictive covenant registered on title as Instrument No. HR253285, which provides that the owner: “shall not develop the Property or any portion of the Property for residential use, hospital use, daycare use, school use and/or nursing home use (a ‘Sensitive Land Use’), as the Owner acknowledges and agrees that any such Sensitive Land Use is not compatible with the use of the...Aldershot Rail Yard.” The existence of the restrictive covenant, in and of itself, reflects the owner’s express acknowledgment that portions of the property are not appropriate for residential and other sensitive uses given proximity to the Aldershot Yard.

The current proposal contemplates the introduction of sensitive residential land uses at Block 12 and Block 14 on the Concept Plan, which fall within the boundaries of the restrictive covenant. Approval of the OPA and ZBA on lands that are subject to a restrictive covenant will facilitate the breach of those covenants through the construction of residential uses, which increases the potential for future disputes, including between the developer, CN, and future occupants or owners of the property.

In CN’s submission, the City should not approve development applications that will facilitate the breach of a restrictive covenant and the proposal must be revised accordingly.

4. Conclusions and Next Steps

Deferring approval of the OPA and ZBA applications so that CN’s concerns can be addressed is in the public interest, constitutes good planning, and will secure important provincial objectives, including protecting the long-term viability of the Aldershot Yard, a critical piece of national transportation infrastructure, while ensuring that future residents of the proposed development are not exposed to adverse noise, vibration, and other impacts. It will also reduce the risk of conflict at subsequent approval stages and avoid potential appeals or disputes.

CN would be pleased to participate in a meeting with City Staff and the developer to discuss how CN’s concerns can be addressed in a timely and coordinated manner.

Kindly provide this letter to Council in advance of any decisions regarding the development applications. We also request notice of any decisions by Council in relation to this matter.

We look forward to hearing from you.

Yours truly,

Dentons Canada LLP



Max Reedijk
Senior Associate

MR

Copy: Client